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‘Assisted’ and ‘Voluntary’ Return to Afghanistan?

IMPLEMENTATION OF AVRR SCHEMES IN AFGHANISTAN

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List of Acronyms

AHRDO	Afghanistan Human Rights and Democracy Organization
AVR	Assisted Voluntary Return
AVRR	Assisted Voluntary Return and Reintegration
GMD	Governance of Migration and Diversity
IFA	Internal Flight Alternative
IOM	International Organization for Migration
ISS	International Institute of Social Studies
JWF	Joint Way Forward
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

Abstract

Afghanistan signed a 'return, readmission, and reintegration' agreement with the European Union in 2016, the Joint Way Forward, and legally entered the assisted voluntary return and reintegration (AVRR) schemes. However, the refugees only reaped the aftermath of this decision, many reporting to have received little to none of the assistance they were promised before return. Besides, their narrative of the voluntariness of their return also seems to be very colourful and is an interesting area to investigate what they perceive as voluntary and how they define these programmes. Drawing upon 25 interviews with Afghans who were returned during 2015-2018 from multiple European states, this research analyses these return 'decisions' and its voluntariness and the assistance provided for returns that have taken place under AVRR programs in the Afghan context. This research will attempt to understand and analyse this missing narrative of returnees within the global migration governance and politics, including an investigation into the role of the IOM, the EU and few other European States, and the Afghan government.

Keywords

Return, forced return, deportation, assisted voluntary return and reintegration (AVRR), Joint Way Forward (JWF), migration, IOM, Afghanistan, Europe, European Union (EU)

Chapter 1 Introduction

1.1 An Overview

To control migration, states have employed different strategies and one that is notable is the Assisted Voluntary Return and Reintegration schemes gaining more and more momentum and prominence since the twentieth century as a preferable option over deportations (Gibney, 2013; Koch, 2013). Except the post-Bonn period (2002-2006), Afghanistan has witnessed large numbers of continued out-migration due to the poor security situation and multiple political armed conflicts in the country. However, the period after the 2015 refugee ‘crisis’¹ which overwhelmed many of the European states marked as a prominent phase of large-scale returns from Europe to Afghanistan. Thousands of Afghans were returned from different European countries through the Assisted Voluntary Return and Reintegration (AVRR) Schemes implemented mainly by the International Organization for Migration (IOM). One notable step was by the European Union (EU) which kickstarted these returns with the Joint Way Forward (JWF), a ‘return, readmission and reintegration’ agreement countersigned by the Afghan government in 2016 (European Commission, 2016). Even though the JWF includes returns from EU member states, analysis of interviews from other European states such as Norway has also been included to provide a comparatively wholistic picture of the AVRR programmes.

This research will explore the nature of the assisted voluntary returns to Afghanistan by thoroughly examining the narratives of 25 Afghan deportees who were returned during the period of 2015 to 2018. Specifically, voluntariness and provision of assistance for return and existence of any reintegration programs after return will be studied, particularly from the returnees’ perspective. An analysis of the IOM’s role as a key international organization (recently a UN agency) will be included. Even though the Joint Way Forward

1.2 Assisted Voluntary Return and Reintegration, the EU and the IOM

An analysis of the IOM’s role as the main administrator of assisted voluntary returns and its contribution to ‘Europeanisation’ of migration policies and implementation (Geiger and Pécoud, 2013; International Organization for Migration, 2018; Lavenex, 2016; Weinar, Bonjour and Zhyznomirska, 2019) constitutes a key part of this study. The Organization’s origins and role in the governance of migration, particularly in relations with different European States, its political legitimacy and autonomy, and dependency on project-based funding by the EU and other European States and similar donors provide a valuable analytical tool. As a tool for assisting “stranded migrants in host or transit countries,” regular/irregular migrants, asylum seekers not wanting to continue application, and those found ‘ineligible’ for international protection,” IOM shortly defines AVR/R programmes as:

“[T]he administrative, logistical and financial support, including reintegration assistance, provided to migrants unable or unwilling to remain in the host/transit country, who volunteer to return to their countries of origin” (IOM, 2017).

It is generally failed asylum seekers, or refugees who have lost status, and exhausted all legal avenues for appeal and regularisation through other means, in other words, those without rights-to-

¹ wilfully being relabelled as the ‘migrant crisis’ even though about 80 percent of those who arrived in Europe were from war-torn countries

residency, who are returned under AVRR and other AVR schemes run by IOM. The period between rejection and the requirement to return is usually around 28 days, after which forced removals can be initiated to insist that 'unwanted' migrants return 'home' through an AVR programme. Assistance provided for returnees include 'pre-departure', 'travel' and 'post-arrival and reintegration' assistance. Generally, it includes the flight home (one-way ticket) and a monetary package that is supposed to cover the immediate needs of the returnee. In the case of AVRR returnees, a reintegration package is offered to help returnees 're-establish' themselves at 'home'.

The lack of reference to human rights has also been noted in the stance of the Organization compared to UNHCR whose legitimacy and political autonomy is largely based on its role as the guardian of the 1951 Refugee Convention (Lavenex, 2016; Pécoud, 2020: 13). These criticisms against the Organization have persisted despite its notable shift in the global migration governance as a 'UN-related' organization since 2016. A contradictory account can therefore be noted in IOM's legal basis for AVRR framework noting both "Protection of the rights of migrants during the return and reintegration process" and "state sovereignty" (IOM, 2018: 4). As Blitz et al. found in their research about voluntary repatriations from the UK to Afghanistan, "domestic interest-based arguments, rather than those founded on the protection of human rights, are driving the policy-making agenda" (2005: 182) related to AVRRs. It is argued that Member States had intentionally kept IOM as a 'related' UN agency only to safeguard its 'autonomy and independence' from the UN system and to keep its operations adaptable and less bureaucratic (Geiger, 2020: 293).

1.2 The Research Problem

Following a contextual perspective, Afghans make up one of the most vulnerable groups that need humanitarian assistance both inside and outside the country and yet more and more have been returned to the worsening security situation ('Global Peace Index 2019: Measuring Peace in a Complex World', 2019; Maley, 2020). Recently, thousands of Afghans² have been returned to Afghanistan through the AVRR programs implemented mainly by the IOM. Afghans who have fled the country is a marginal population that does not fit into any of the legal labels regarding refugees and migrants. They are caught between institutional, bureaucratic and political games taken up for managing migration and covertly avoiding the legal protection responsibilities (Zetter, 2007). As 'rejected asylum seekers,' Afghans are denied refugee rights as Afghanistan is considered safe nor would they consider themselves an economic migrant since a main factor these individuals flee is insecurity and ongoing conflict in the country. By adding to the information available about Afghan refugees and particularly return migration as a practice that has potentially led to many human rights violations, this research also has humanitarian and rights-based value.

There are multiple factors that could be considered reasons of return, including threat of deportation and hostility, lengthy asylum application processes, and reinforcement through assistance offered upon return (Blitz, Marzano and Sales, 2005; Koch, 2013; van Houte, 2016; Leerkes, van Os and Boersema, 2017). However, the extent that these returns are voluntary or assisted is to be questioned for multiple reasons. In Afghanistan's case, returns usually lead to secondary internal displacement, are accompanied with a lack of essential services and income-earning opportunities and a higher vulnerability against conflict and natural disasters, and can potentially lead to further insecurity, recruitment into radical extremist groups, and a threat to the legitimacy of an already fragile state (AHRDO, 2019; Majidi, 2017). This danger increases with returns being involuntary as preparedness is lowered, social networks are disrupted, returnees are stigmatized and isolated, and educational and financial opportunities remain low, leaving a national level strain on services and a conflict with other residents. These impacts were strengthened further by the negative narrative of the

² asylum seekers, rejected asylum seekers, deportees

representatives of the Afghan government about Afghan asylum seekers on media platforms and during their visits to European countries (AHRDO, 2019). Besides, a total of 2 million conflict-induced internal displacements were recorded in 33 of the 34 provinces during 2015 to 2018 alone which rules out internal flight alternative (IFA) opportunities to a large extent (OCHA, 2018). This now leads us a legal discussion of the ‘research problem.

1.3 Research Objective and Questions

The purpose of this research is to view assisted voluntary returns through both a macro global migration governance and politics perspective and a micro returnees’ perspective of their ‘voluntary’ and ‘assisted’ returns. Building up on the latter, the findings will largely be based on the returnees’ experiences and what they make of return as a migration management strategy which therefore facilitates an analysis with a ‘specific contextual focus’ (Creswell, 2013). Besides this, how ‘voluntariness’ of returns affect its sustainability and reintegration possibilities and the role of different actors including the European Union, IOM and the government of Afghanistan (GoA) will be analysed. Therefore, the main research question and sub-question(s) that this study aims to answer is:

- Under what circumstance are Afghan asylum seekers returned through assisted voluntary return (AVR) and assisted voluntary return and reintegration (AVRR) schemes?
 - How voluntary are these returns?
 - In what ways are they assisted in their return and reintegration?
 - What role does the AVRR/JWF play in the return decision (if any)?
 - What role do the different actors play in these processes, including the European Union, the IOM and the Afghan State?

1.4 Methodology

As part of a larger study conducted by the Afghanistan Human Rights and Democracy Organization (2019), this research employs a mixed methods approach using both quantitative and qualitative data collected through semi-structured interviews. Overall, both primary and secondary data is used during analysis. The primary data draws from 25 semi-structured and face-to-face interviews conducted during 2019 with those who were voluntarily or involuntarily returned to Afghanistan from European countries between 2015 and 2018. There 25 (out of 50) were selected for this paper based on the year of return, the country from where the individuals were returned and applicability for analysis of the AVRR and JWF policies. Secondary data includes scholarly articles, research reports and datasets obtained from different humanitarian and development agencies.

1.4.1 Sampling

Snowball sampling has been used to find deportees based on connections and within their own community. Due to the lack of documentation of returnees and sensitivity around the topic, negative social stigma—sense of failure attached to return, a snowball sampling strategy seemed the most feasible. Returnees/deportees seldom share this information and thus it is hard to find individuals of such background. The data has been collected in four central regions of the country, Balkh, Herat, Kabul and Nangarhar which can potentially be considered as clusters. These regions were chosen since they are the four centres receiving the majority of the returns. Besides they could be representative of the ethnic, cultural and demographic diversity of Afghanistan and thus ensuring proportional representation of the research. Last but not the least, it provides the opportunity to do a comparative analysis of the returnees’ return and integration in relatively stable versus regions where

conflict is escalating. A detailed list of respondents without their personal information has been included in this paper as Appendix II.

1.4.2 Data Collection Instrument

A semi-structured questionnaire was used for data collection. The mix of both open ended and close ended questions fit well with the objectives of the research. Close ended questions helped gather important background information about the respondents, their migration journeys (such as dates and reasons) and other specific data. Open ended questions on the other hand facilitated an open discussion to collect comprehensive data on the respondents' experiences and narratives. Overall, the questions asked are to provide us with general information about the returnee, their migration journeys, their account of the asylum process and its fairness, their return journey, the assistance they received from different actors, their condition after the return and other relevant information. The questionnaire employed is included at the end of this paper as Appendix I.

1.4.3 Data Analysis

The data collected was recorded with the consent of the research respondent, transcribed³, personal and general information coded in separate files for confidentiality purposes, personal details deleted if had been requested by the research respondent in the consent form, and then analysed. After cleaning a total of 50 interviews for returns during years 2015-2018 and European countries, 25 interviews were chosen for analysis. A thematic analysis was conducted on the selected interviews. The data was examined closely, coded around specific themes and topics, and then analysed within a theoretical context. Direct quotations from the interviews are used throughout the paper for better depiction of the narratives.

1.4.4 Research Limitations

The majority of the research participants are male; only one was female. One reason for this discrepancy is that, first of all, the rate of flight for Afghan women is very low compared with that for Afghan men (Brun, 2017). A second reason is that, comparatively speaking, women are returned less often than men proportionally (ibid.). A third reason is that it can prove difficult to access female returnees, even when they are returned. For all interview material, names have been changed to protect anonymity. However, considering the purpose of this research, the gender of the returnee should not significantly affect the reliability of the data.

1.5 Chapter Outline

This research paper will consist of seven chapters overall. Following this Chapter (Introduction) which also explains the methodology employed for this research such as the data collection method, sampling, and research instrument, Chapter 2 (Background) will provide information about displacement in the Afghan context with a focus on return migration and the AVRR. In Chapter 3 (Literature Review), I have reviewed available literature around the topic including literature on the main actors involved such as the European Union, IOM as a lead organization in governance of migration and AVR and AVRR schemes, and the Afghan government. Chapter 4 on the findings elaborates on 'voluntariness' and 'assistance' provided during returns to Afghanistan using narratives of those returned. Chapter 5 expands with a detailed discussion on the JWF, the role of EU and other

³ Since interviews were conducted in Dari, the transcriptions are only in Dari and have not been translated to English. The selected excerpts were translated by the author for quoting in this paper.

European States, and the Afghan government. Finally, Chapter 6 (Conclusion), besides including a brief of the findings, provides further information about what the findings mean within the Afghan context and on an international level, particularly concerning organizations such as the IOM and other global actors in the migration governance nexus.

Chapter 2 Displacement in Afghanistan (Background Information)

2.1 Introduction

Displacement in Afghanistan makes up one of the most protracted and large-scale displacement situations in history with major waves traced back to the late 1970s war between the Soviet-backed Afghan government and the Mujahideen fighters. Multiple factors have played a role in displacing millions of Afghans currently making up the second largest group of refugees worldwide (UNHCR, 2018). A quarter of the Afghan population has been displaced externally and at least three quarters have experienced internal displacement at least at one point in their lives (Khan, 2017: 43; UNHCR, 2018).

2.2 The Mass Displacement of Afghans

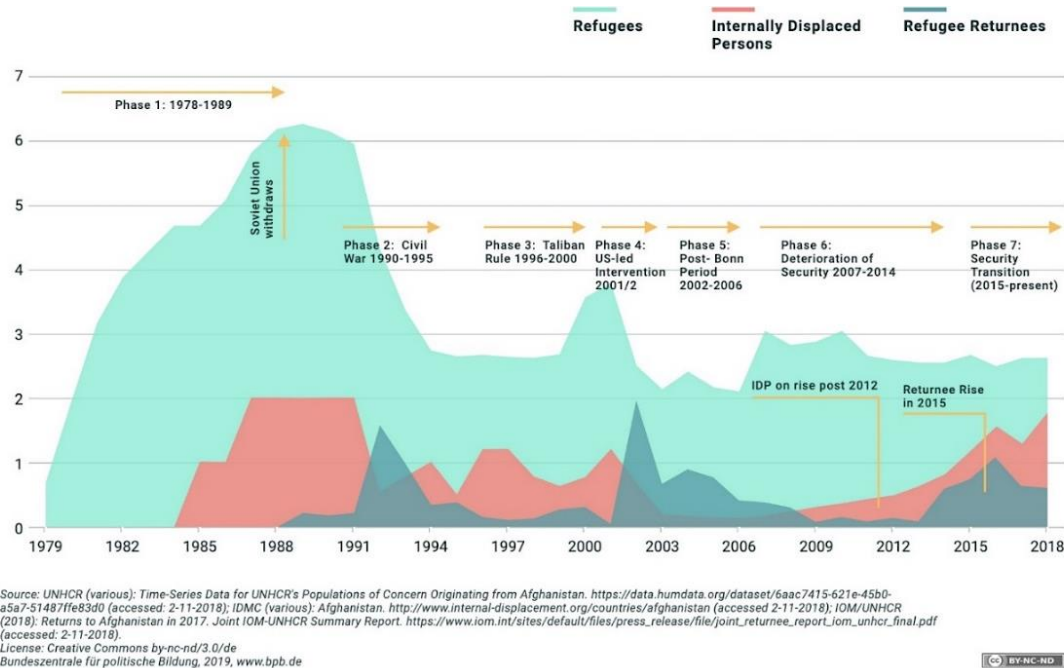
Afghanistan comprises a dynamic migration context where multiple factors intertangle to create a protracted displacement setting feeding further into insecurity, humanitarian emergency situations and socio-economic and political chaos. The four decades of war and insecurity have led millions into internal and international displacements turning the situation into a humanitarian crisis. The displacement situation is worsened by acute poverty, widespread unemployment and lack of access to livelihoods and basic services. In 2018, 3.3 million people experienced acute humanitarian need and 8.7 million were in chronic need (OCHA, 2017). In 2020, this rose to one third of the population facing food insecurity and about 4 million in an emergency situation in 2020 (UNOCHA, 2020).

This complex background of continuous displacement of such a large part of the population in an extremely complicated context calls for more research to provide evidence for effective and rights-based policy making and practice in the field. Figure 1 provides a holistic overview of the prolonged displacement situation, providing data about refugee, IDPs and returnee numbers over the four decades up until 2018. Displacement in the Afghan context has been studied from different perspectives (main researches listed under Appendix III); however, there is very little research on return decisions under AVRR programmes and readmission policies such as JWF, return programs

and returns from a global governance and politics perspective involving IOs and other actors, and especially research based on narratives of those returned.

As Figure 1 also shows, even though many parts of the country enjoyed a peaceful phase during 2002-2006, security started deteriorating again in 2007. Destabilization intensified in 2009, steadily escalating to a new level by 2015 and this situation of insecurity persisted in much of Afghanistan (OCHA, 2017). Displacement, particularly internally, rose and then levelled off from 2012 to 2018. From 2005 onwards, the number of asylum applications increased significantly (Koser and

Figure 1 Overview of Afghan Displacement Numbers (in Millions)



Kuschminder, 2017: 33) as a result of the worsening security situation in the country. An interactive map created by Roggio and Gutowski shows only 33 percent of Afghanistan is currently controlled by the Afghan government. The rest is either contested or under control of the Taliban and other insurgent groups (n.d.).⁴ The total number of Afghan refugees has remained relatively stable, as shown in Figure 1, but overall returns rose during the period. On top of new displacements within an already fragile context, Afghanistan now hosts millions of refugee and IDP returnees.

2.3 Return Migration to Afghanistan

Afghanistan now hosts thousands of returnees from Iran and Pakistan as well as from member states of the European Union and other countries. From 2010 to 2019, Afghan refugee returnees constituted nearly a quarter of all returnees worldwide (875,800: 23 percent); former refugees from the last two decades constitute one fifth of the total Afghan population (UNHCR 2019: 50). Beyond these general figures, detailed data on returns to Afghanistan has remained relatively scarce due to poor institutional capacity and for political reasons including legal consequences against forced returns⁵. Data on forced returns and AVR from specific countries such as Germany, the Netherlands and UK are not fully recorded in Eurostat, the main data source. Unassisted voluntary returns are rarely recorded (ibid.). Overall, about 5.3 million Afghan refugees voluntarily repatriated from March 2002 to July 2020, of

⁴ <https://www.longwarjournal.org/mapping-taliban-control-in-afghanistan>

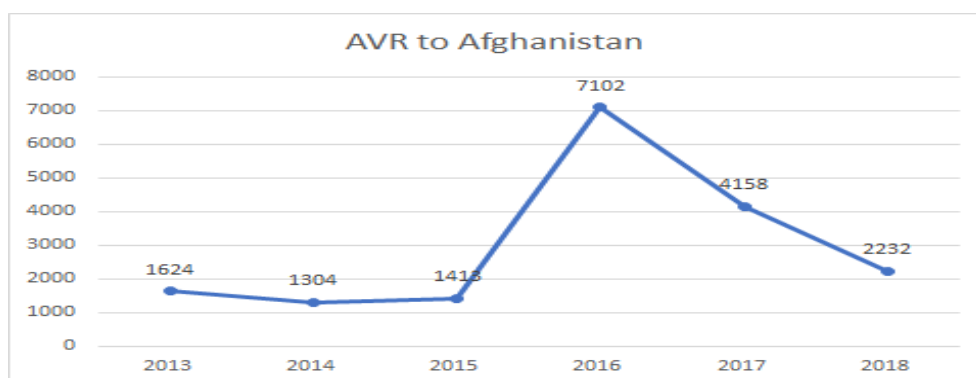
⁵ <https://migrationdataportal.org/themes/return-migration#recent-trends>

whom 2.7 million returned after 2015 (IOM-UNHCR 2019⁶; UNHCR 2020⁷), most of these returns from Pakistan and Iran. At the end of 2019, of 2.7 million Afghans forcibly displaced internationally, only 0.3 million had applied for asylum (UNHCR 2019), most of these in Europe.

2.3.1 Assisted Voluntary Return and Reintegration (AVRR) to Afghanistan

Thousands of Afghan refugees and rejected asylum seekers have been returned to Afghanistan, at times voluntarily but also forcibly for those not willing to return (IOM, 2018b). As the number of asylum applications increased during 2015, Europe reemphasized on returns mainly through AVRR. Eurostat data confirms that during 2015-2018, a total of 25,290 Afghans were returned to Afghanistan from 28 EU member states, increasing to 26,980 individuals once Norway is added to this total (Eurostat, 2020). Between 2015 and 2016, returns from Europe to Afghanistan tripled, from 3290 to 9460 (Amnesty International, 2017: 31) especially compared to the number of asylum applications. According to its own data, IOM has “supported” a total of 17,833 assisted voluntary returns to Afghanistan between 2013 and 2018, with the yearly breakdown shown in Figure 2.

Figure 2 Yearly Breakdown of IOM-assisted Returns



Source: 2018 return and reintegration key highlights: IOM (IOM, 2018)

Figure 2 shows a sharp hike in AVR returns in 2015-2016. A parallel decline can be noted in the percentage of asylum applications accepted, falling from an average of 68 percent in September 2015 to just 33 percent by December of 2016 (Amnesty International, 2019). This decline is not surprising given that the migration journey to Europe is now associated with a greater risk. It has become easier to be rejected and returned after all effort, time and money put in order to arrive to Europe and apply for asylum. During 2018, it cost an average of 11,120 USD per person for the journey which is 17 times the per capita income during the year) (AHRDO, 2019: 16). Besides, Afghan asylum seekers face different deadly hazards such as kidnapping, torture for ransom, beatings and detention by police and armed groups on their way to Europe (ibid.: 10).

2.3.2 The Joint Way Forward

In 2016, following a conference in Brussels, the GoA and EU signed the Joint Way Forward declaration to facilitate “smooth, dignified and orderly return” of irregular Afghan migrants who could not fulfil conditions for international protection. The JWF was also supposed to facilitate the returnees’ reintegration into Afghan society and economy. An example of a “High Level Dialogue on

⁶https://reliefweb.int/sites/reliefweb.int/files/resources/iom_unhcr_2018_joint_return_report_final_24jun_2019english.pdf

⁷ <https://reliefweb.int/sites/reliefweb.int/files/resources/VelRep%20Dashboard%20July2020.pdf>

Migration,” the JWF cooperation agreement states provides for certain actions the EU and the Afghan government are supposed to undertake. The commitment of both the EU and the Afghan government towards international treaties, notably the 1951 Refugee Convention and 1967 New York Protocol, the International Covenant on Civil and Political Rights, the EU Charter on Fundamental Rights and the Universal Declaration on Human Rights, is reemphasized repeatedly in the declaration. On the other hand, the GoA and its relevant ‘competent’ authorities commit to ‘make every effort’ to verify evidence of nationality of citizens subject to return, and to provide necessary travel documents, including passports, within a period of four weeks, as well as to issue visas for EU escort staff ‘without delay’. The GoA was also to establish a new terminal for returns at Kabul airport.

The cooperation agreement and its implementation has been criticized for being too focused on the immediate ‘crisis’ of 2015-2016 within Europe, and thus not respecting fundamental rights of a relatively small number of Afghans in search of protection in Europe during this period, a much smaller number than those in neighbouring countries of Iran and Pakistan (ECRE, 2017; Jones, 2020). Evidence suggests the government of Afghanistan was pressured into signing this deal, and that Afghanistan remains too dangerous a place to return thousands of vulnerable individuals who have been labelled ‘irregular migrants’ (Bjelica, 2016; “Joint Statement: Afghanistan is Not Safe: the Joint Way Forward Means Two Steps Back”, 2020). In some cases, returns under the agreement have led to multiple human rights violations, including breaches of international legal principle of *non-refoulement* and threats to the right to life (Shea, 2017).

Both the GoA and the EU denied that the JWF agreement was a precondition for aid, amounting to roughly 5 billion Euros. However, a leaked document from the European Commission, which is widely available through credible sources online, suggests otherwise (Joint Commission-EEAS non-paper on enhancing cooperation on migration, mobility and readmission with Afghanistan, 2016). The document states that aid was a ‘positive incentive’ for implementation of the JWF, as evidenced in this excerpt from the leaked document:

The EU should stress that to reach the objective of the Brussels Conference to raise financial commitments "at or near current levels", it is critical that substantial progress has been made in the negotiations with the Afghan Government on migration by early summer, giving the Member States and other donors the confidence that Afghanistan is a reliable partner able to deliver” (EC and EEAS 2016: 8).

This is hinted at multiple times within the agreement, where reintegration package that include development activities are framed as ‘positive incentives’ for the GoA. A confidential Afghan government source is quoted as saying that Afghanistan was forced to drink the ‘poisoned cup’ of the JWF so it could receive much-needed development aid promised in return (Amnesty International 2016).

With returns as the main priority of the agreement (ECRE, 2017), involuntary returns rather than actors’ commitment towards ‘safety, dignity and human rights’ are at the heart of the JWF. Despite it being part of AVRR programmes, the ‘voluntariness’ and ‘choice’ of returnees in the return process can be questioned. The excerpt below from the declaration stipulates that if the subject has no legal right to remain in Europe and does not ‘choose’ to return voluntarily, the individual is to be removed by force:

Afghan nationals...found to have no legal basis to remain in an EU Member State, whose protection needs or compelling humanitarian reasons...have been considered in accordance with the applicable legislation and who have received an enforceable decision to leave that Member State, can choose to return voluntarily. Afghan nationals who choose not to comply with such a decision on a voluntary basis *will be returned* to Afghanistan, once administrative and judicial procedures with suspensive effects have been exhausted (European External Action Services 2016, emphasis added).

In conclusion, the meaning of the terms ‘voluntary’ and the subject’s ‘choice’ remains unclear throughout the cooperation agreement and the process of its implementation. Adding to this the millions of internally displacement people (IDPs) in Afghanistan and the secondary displacement of IDPs and returnees, as we have seen in this chapter, it is difficult to see how returnees from European countries, even if ‘voluntary’, can be reintegrated into a context where the possibility of an individual’s dignity and safety can only be predicted by a miracle or by chance. The notion of sustainable return and reintegration seems almost impossible. In short, the majority of Afghans take refuge due to insecurity and are almost certainly in serious danger when returned, even when they return voluntarily. This hunch will be followed up through the findings of this research paper, through deeper analysis of respondents’ interview narratives about return.

Chapter 3 Theorizing Return Migration

3.1 Introduction

Return migration has been discussed by scholars from different standpoints and within multiple disciplines, including a development or human capital perspective. Return, particularly if forced, has been justified as a way to reverse the ‘brain drain’ from countries of origin, where returnees can be considered ‘agents of change’ (Blitz, Marzano and Sales, 2005; van Houte, 2016; Afzali, 2019). Return to the ‘home’ country can also be considered the end of the refugee cycle (Hammond, 1999; Blitz, Marzano and Sales, 2005; de Haas, Fokkema and Fihri, 2015). However, just as many scholars have contested the very notion of return as the last phase or step towards resolving refugee flight and restoring normalcy at the end of displacement (Cassarino, 2004). Return, if forced or coerced, has also been studied from a state-centric view, where it is increasingly considered the state’s sovereign right to conduct border controls and returns of irregular migrants, a legitimate state tool to tackle problems of irregular cross-border movements (Blitz, Marzano and Sales, 2005; Koch, 2013). Alternatively, from a human rights-based approach returning migrants to situations of danger is considered a violation of fundamental human rights, especially for those who have applied for asylum, in violation of the international principle of *non-refoulement* for those whose asylum cases may not have been fully or properly considered due to the state-sanctioned priority of deporting them as soon as possible (Webber, 2011; Smith, 2019). A detailed discussion of general theories and its (in)ability to provide the theoretical basis for this research has been included in Appendix II. Besides these general theories about return migration, there are a few other conceptual frameworks discussed by other scholars that directly relate to the topic of this research and could usefully inform discussions around the ‘voluntariness’ and ‘assisted’ nature of AVRRs, sustainability of return and reintegration and the role of IOM, the GoA, the EU and other actors in these programs.

Within this chapter the conceptual debate around return migration is narrowed to theorize return within the context of policy making and IOM as a noteworthy IO involved in the ‘international’ governance of migration regime. Cassarino’s discussion of returnee’s preparedness and resource mobilization is of paramount importance in defining voluntariness and reintegration upon return (2004). Building on this discussion, the works of Hammond (1999) and Koser and Kuschminder (2017) will also be used to create a composite theoretical framework that can describe the individual as well as the structural reasons for return and assess the voluntariness, readiness, and role of returnees’ agency and mobility in their return and post-return contributions to the home society.

3.2 Voluntariness

Generally, the boundaries between ‘voluntary’ and ‘involuntary/forced’ returns have often been blurred (Gibney, 2013). For Webber and other scholars like her, the blurring of the categories of refugees, undocumented and irregular migrants and failed asylum seekers, is simply a strategy that is used to justify increasing the number of forced removals of ‘unwanted’ people (Webber 2011). Similarly, Leerkes et al. (2017) have studied policy and non-policy factors behind the rapid increase in AVRs from the Netherlands. They confirm that returns under these schemes have largely been involuntary and suggest that it is important in this regard to at least straighten out the use of terminology, since AVRs have, in their view, been a way to legitimize deportation, by replacing talk of ‘hard’ powers of states with the linguistic device of obliging unwanted migrants to ‘choose’ whether to stay or leave. Concluding that AVR returns being hardly voluntary, Kuschminder suggests that it is time to change the terminologies around it and drop the ‘voluntary’ from the term (2017: 14). Leerkes et al suggest that AVRR programs should be called ‘soft’ deportation, rather than voluntary returns,

because they share many characteristics with forced deportations. The differences they list are less reliance on physical ‘force and deterrence’ than in the case of deportations, but other kinds of obligation of departure are premised on the ‘perceived legitimacy and...on payments (when assisted)’ as incitements to return under bleak prospects for remaining in Europe (Leerkes et al., 2017: 8).

3.2.1 Returnee’s Preparedness upon Return

A key discussion across all these major theories about return migration is the relationship between resource mobilization and returnees’ preparedness, and the success of return in terms of the propensity for returnees to be able to meaningfully contribute to change and development (and therefore reintegrate properly) in their ‘home’ countries. Resource mobilization in this case refers to both tangible and intangible resources the returnee may be able to mobilize during their stay abroad. Preparedness refers both to willingness and readiness to return. This leads to the proposition that involuntary returns are accompanied with very low level of preparedness which affects the likelihood that returnees can meaningfully reintegrate in their ‘home’ country. As Cassarino describes it, “to be successfully achieved, return preparation requires time, resources and willingness on the part of the migrant” (Cassarino, 2004: 271). The point about return preparation and willingness in particular can be used to explain ‘voluntariness’ of the returns. Building on this further:

Returnee's preparedness refers to a voluntary act that must be supported by the gathering of sufficient resources and information about post-return conditions at home...[and that]... to strengthen the link between return migration and development at home, return should not simply be viewed as a voluntary act on the part of the migrant but, above all, as a proof of readiness (Cassarino, 2004: 271).

The interviews with returned Afghan asylum seekers propose that AVRR returnees lacked both resource mobilization and preparedness to return. Based on the characteristics Cassarino describes as preparedness and resource mobilization, rejected asylum seekers who are ‘assisted’ to return to Afghanistan, either ‘voluntarily’ or forced, do not fit very well into the category of return migrants, since their return, as argued later, arises from the state interests at the centre not that of refugees or rejected asylum seekers. That this is so, is corroborated by the frequently forced nature of returns and the coercion that can be detected even behind returns defined as ‘voluntary’. There is little readiness on the side of the returnees to return; there are few resources put into the process, or at least into the hands of the returnees. Thus, a lack of resource mobilization and the absence of willingness and preparedness tend to undermine the hope that returnees will become ‘agents of change’ in their home communities after return.

In her book on return migration to Afghanistan, van Houte (2015) provides a very detailed discussion of return as ‘moving back or moving forward’ and has discussed returnees as ‘agents of change’ within the broader development nexus. Centred around returnees who fled before 1994 (following the fall of the Communist party), fled from 1995 to 2001 (due to civil war, Mujahideen and Taliban), and fled after 2001 phase (due to US and allied war), the book studies cases of return between 2002 and 2012. One useful finding was that returnees’ agency in decision-making and the voluntariness of their return were positively related to how well their life situation turned out after return, and positively influenced the type of employment and income they could access (van Houte 2015: 103). Most genuinely voluntary returnees had had opportunities to gain educational and professional qualifications, and access other services in the country of asylum. They had returned voluntarily knowing they could return later, because of these skills. Many were involved in highly skilled jobs compared to those who were returned involuntarily, and whose education, and agency in return, and prospects for social mobility were more limited. This in turn was also reinforced by the limited protection status many of them were granted in country of asylum, which meant they were barred from further study or from working and advancing professionally (van Houte 2015: 103). Therefore,

van Houte's study concludes that compared to voluntary returns, involuntary returns are a step back and that prospects are worsened by restrictions placed on asylum seekers by countries of asylum (van Houte 2015: 104).

3.2.2 Informed Decision Making and Genuineness of Choice

Related to the voluntary nature of returns, especially under AVR programmes, Webber (2011) provides an extensive discussion of how 'voluntary return' programmes for rejected asylum seekers, illegal migrants and others are facilitated by EU governments in their own interests only, without seriously considering the preparedness or even the safety of those returned. Webber argues that even assisting individuals does not ensure reintegration in 'home' communities since IOM provides only short-term support and does not monitor the progress of 'voluntary' returnees' reintegration after return. Webber criticizes IOM's lack of interest, or inability in ensuring justice and safety for returnees once they are back in the country of origin. Given the political instability and lack of security in many countries from which asylum seekers come, most often returnees, especially when they are members of minority groups, face hostility from the local authorities and from other people in the country of origin. In most countries, seeking asylum abroad is considered as disloyalty or subversion (Webber, 2011: 102). This study will reveal similar findings to Webber's about negative attitudes towards Afghans who have been asylum seekers or refugees, and who are often mistreated when returned forcibly, at airports and in other arenas. Webber also points out that AVR programs, as not entirely voluntary, violate UNHCR guidelines for international protection which stipulate that returns can only be voluntary in light of the situation in both the country of origin (for an informed choice) and the country of asylum (for allowing free choice) (Webber, 2011: 103). The information provided to refugees about conditions that could affect them upon return can be shown to be 'partial' and even 'suspect', to the extent that taking away their legal right to stay in a European country leaves no room for freedom of choice with respect to returning.

In real terms and as Webber hints to it, it is only through obtaining a secure legal status that those who have fled to seek asylum be assured a free choice of whether or not to return to their country of origin (2011). Permanent resident status and citizenship alone can provide that individual a genuine enough choice for it to be considered 'voluntary'. This is important because 'voluntariness' loses meaning if you cannot return to the host country in case things go wrong, in case of 'failure' after return to the country of origin. This solution is almost by definition generally unavailable to rejected asylum seekers and irregular migrants since they have become the main targets of voluntary return programs since 2015. Webber argues that IOM's successes in AVRR programs have been due to this lack of choice for returnees due to their legal status which deprives them of the right to stay in the country where they sought asylum. As IOM describes it, "the limited duration of temporary protected status, for example, has proven to be an effective inducement to voluntary return" (2011: 105).⁸ The widespread use of temporary protection status for refugees only increases the number of people facing the prospects of removal at some time in the future, and deprives them potentially of any choice in staying (especially if the 'home' country complies with requests to provide travel documents for those returned involuntarily or 'voluntarily'). Returns under AVRR programs do not include the prospect of returning if the outcome is not fruitful for the individual concerned. One-way return is the only legal and practical choice offered, and in this sense returns under AVRR are forceful and coercive, although the violence involved does not usually take the form of physical restraint.

⁸ IOM, 'Assisting voluntary return', available at: <http://www.iom.int/jahia/Jahia/assisting-voluntary-return> as cited in Webber 2011.

3.2.3 Agency vs. Structures, Policies, and Global Organizations

The agency and mobility of the returnee are also strong determinants of voluntariness; however, there seems to be a misunderstanding in how much individual agency matters when structural powers, policies and IOs overrule individual agency by many means. Drawing on the same interviews used in the book described above, van Houte et al. provide a deliberate on return migration centred around the agency of the returnees (2016). This research concludes that we cannot form a clear boundary between voluntary and non-voluntary, but instead suggests how “legal constraints, family pressure, economic needs or socio-cultural difficulties” (van Houte et al., 2016: 15) can influence return decisions, making them not entirely voluntary in the Afghan context. This conclusion is in many ways confirmed by the findings of this research, although the role of EU member states in influencing return is given greater emphasis than in van Houte’s study.

However, the logic behind van Houte et al.’s study is also questionable from another point. These researchers argue that since the returnee still had a choice not to return no matter the prospect of severe consequences, such as associated with unconformity along the legal requirements, we cannot clearly say the return was ‘non-voluntary’. If we apply the same logic to forced migration and replace ‘return’ in the quote above, with ‘migration,’ it would follow as, since most of the displaced “did have the choice not to” (migrate), “however harsh the alternative to” (migrating) “would have been” (van Houte et al., 2016: 15). We could also make forced migration sound ‘voluntary’ because the displaced always retains the choice to stay and bear with the challenges of remaining, however ‘harsh’. The study compares the post 9-11 returns of ‘early’ arrivals, the post-Cold War asylum seekers who were often granted asylum versus ‘late’ arrivals, who arrived after the mid-1990s phase and faced far more restrictive asylum policies, and an immigration regime that prioritized repatriation and returns. Van Houte’s study provides a useful and detailed analysis of returnees’ migration and return narratives, taking into account structures, capacities, agency and desire of returnees within the decision-making process. In its conclusion that the two groups of returnees returned “under different combinations of desires and capacities”, so that the latter group were not as able to match their desires and capacity with their decision about whether to stay or return, constraining structural realities hindered their agency, both to remain, and on return. The latter group of former asylum seekers and refugees were also restricted in their capacity to return back to their original country of asylum.

Despite the authors’ claim that desire, capacity and agency are as important as structure, in almost all cases analysed by the authors, it is evident that structural realities overrule all the other elements. In claiming that all actors interviewed for their study show a level of agency over their actions and decisions, either by “enhancing their capacities to meet their desires, or by redefining their desires to match their capacities” (van Houte et al., 2016: 15), the researchers appear to want to escape the main finding of their study. It shows consistently how structural elements are what shape the individual actors’ capacities, desires and agency.

To elaborate further on this discussion and role of structures, Koser and Kuschminder have built a specific ‘blended’ approach that divides factors influencing return decisions into three categories. They list (i) structural, such as conditions in both country of origin and destination; (ii) individual, such as personal characteristics and social relations including the family, and (iii) policy interventions such as the AVR and AVRR frameworks that either act as incentives or disincentives for return (2017: 13). However, what is clear in their study is differentiation based on how powerful each factor is compared to the other. The research finds that conditions in the country of origin overpower individual, social and policy factors and that among the three conditions in the states of origin played the lesser role. Significant determinants in return decisions were found by Koser and Kuschminder to be, “the difficulty of finding employment/no right to work; being tired of living as an undocumented migrant; a desire to reunify with family at home; the opportunity to benefit from voluntary return programmes; and job prospects at home” (2017: 46). All these factors will be discussed within the

findings section of this paper when arguments are presented in relation to how voluntary the returns have been and the role conditions in the destination or origin countries play in softly/indirectly forcing the returnee to ‘choose’ to return.

3.3 Reintegration Assistance and Sustainable Return

As discussed elsewhere, in policy and practice AVRR, there has been a stronger focus on return and not much of the literature, policy and programming has been wired towards life after return and reintegration. Generally, there is a lack of standard benchmarks that could be used to measure sustainability of return and reintegration. However, to categorize of multiple determinants that have been used to depict sustainability of return and reintegration, Kuschminder has developed a “multidimensional return and reintegration that accounts for both subjective and objective indicators” (2017:10). She lists a total of 15 indicators categorized in three dimensions of economic⁹, socio-cultural¹⁰ and safety and security¹¹ dimensions (2017: 10). Scoring of reintegration experiences of 156 returnees’ experience of reintegration showed that only 37 percent had reintegrated across all dimensions confirming to the difficulty of reintegration and its multifaceted nature. In a study on AVRs from Norway to Afghanistan, Ethiopia, Iraqi Kurdistan, and Kosovo, Strand et al.’s scores reintegration based on returnee’s self-assessment of their return sustainability and four categories including sustainable, volatile, and unsustainable return, or remigration. Findings of this research also showed a very low level of self-perceived sustainability of return and reintegration. Reimmigration intentions as a determinant of ‘sustainability’ of return has also been used by another study about AVRs from Austria to Kosovo which found a high number of respondents (44%) with the intention to leave again (ICMPD, 2015: 18). Similar results showing ‘unsustainable’ return have been found in case of Afghanistan as well where a high number of both AVRs and forced returnees were found to remigrate again (Koser and Kuschminder, 2015; Kuschminder, 2017: Schuster and Majidi, 2013; Strand et al., 2016).

3.3.1 Return ‘Home’: End of the Migration Cycle?

The level of preparedness and the chances of resource mobilization for a successful return also relates to how much one could define migration as reversible, with return meaning return ‘home.’ A misconception is that return migration comes at the end of a longer migration cycle and that returnees will experience the country of origin as ‘home’. Hammond (1999) criticizes this assumption, of return as the end of the migration cycle, since it leads to policymakers and scholars forgetting or overlooking what happens next, the life after return. She argues that the language used in policy making and program implementation in relation to assistance and reintegration after return is misleading. Her arguments align with discussions about the conditions in the countries of origin, and hence the potentially negative consequences of return without preparedness of the context to absorb the ‘returned’ members who might not fit either. As she puts it:

Without taking proper preparedness and social security measures (such as constructing schools and clinics, creating employment opportunities, and providing other services), repatriating large numbers of

⁹ “employment, income sources, perceived economic situation, debt, ownership of land or house” (Kuschminder, 2017: 10).

¹⁰ “networks, transnational networks, participation in local events, self- perception of personal life, membership in organization upon return” (Kuschminder, 2017: 10).

¹¹ “perceived safety in home, perceived safety in the community, trust in the government, access to justice, experienced personal harassment since return” (Kuschminder, 2017: 10).

people to an area of chronic poverty and food insecurity may accelerate the general slide of an already poor population into a condition of even greater economic vulnerability (Hammond, 1999: 2).

This statement is returned to later as we examine the argument that return of Afghan asylum seekers and forced migrants, especially in large numbers, given the thousands of returns from Pakistan and Iran, can produce negative results, damaging prospects for reintegration and possibly even worsening the overall security and socio-economic situation in Afghanistan. Both Hammond (1999) and Cassarino (2004) thus provide useful insights from a theoretical perspective, into how return and post-return processes can be defined, making it possible to include the adverse effects on the individual, the family and community and the state of forced, unassisted returns. The role of voluntariness and preparedness in sustainability of return and reintegration are both highlighted in these theories, which challenges the assumption that return equates to 'homecoming' and a durable solution to displacement. Instead, Hammond asserts that return is a new beginning and that post return situations needs to be given more attention (Hammond 1999). Regarding terminologies, Hammond even argues that terms such as 'returnee' and 'return' can be misleading, since they imply that there is something inherent in the place individuals are 'returned' to that makes it more 'home' than the place they have come from or tried to settle in (Hammond 1999).

3.4 Conclusion

Returns are not only affected by returnees and their choices or lack of choices, but by local and international policies and agencies that act as push or pull factors in (constrained) return decisions. The AVR and AVRR programs and EU development aid and development policies within the Afghan context, make JWF a perfect example of international migration management and governance based on unequal power relations. In this context, as show in Chapter 1, the EU, IOM, and the Afghan government are the main actors; returnee migrants the objects of policy as well as supposed 'subjects' with 'choices'. Their decisions are structured through inter-agency bargaining and deal-making regarding returns, development funds, diplomatic ties, investment and so on. In the next chapter, I will present the findings of the research including general information about the research participants, and a detailed discussion about the voluntariness and assistance of return drawing on the determinants discussed above.

Chapter 4 Voluntary and Assisted? A Narrative Analysis

4.1 Introduction

One of the main objectives of this research is to analyse the characteristics of the returns that have taken place under the AVR and AVRR programmes to see if they have involved ‘voluntary return’ as is claimed, and to what extent return has been adequately ‘assisted’. Before assessing this through the narratives of returnees, it is important to note some characteristics of voluntary return according to IOM and UNHCR guidelines. The IOM, as the main actor implementing AVRR programmes contrasts with the more human rights-based definition of what is ‘voluntary’ used by UNHCR. AVR, as defined by IOM involves “administrative, logistical or financial support, including reintegration assistance, to migrants unable or unwilling to remain in the host country or country of transit and who decide to return to their country of origin”. This gives a hint of what IOM means by ‘voluntary,’ and shows their acceptance of ‘push’ factors in the host country as part of the return decision. IOM bases this definition of voluntariness on two conditions:

“(a) freedom of choice, which is defined by *the absence of physical or psychological pressure* to enrol in an assisted voluntary return and reintegration programme; and (b) an informed decision which requires the availability of timely, unbiased and reliable information upon which to base the decision” (IOM Glossary on Migration, emphasis added).

By implication, legal or administrative pressure to enrol is not covered in this definition. However, the majority of those returned and interviewed for this research would seem to qualify for ‘refugee’ status under the terms defined by the 1951 Refugee Convention and 1967 Protocol. Therefore, the criteria of voluntary repatriation as defined by UNHCR are also relevant here. The UNHCR considers that for return to be truly voluntary,

positive pull-factors in the country of origin are an overriding element in the refugees' decision to return rather than possible push-factors in the host country or negative pull-factors, such as threats to property, in the home country (UNHCR Handbook on Voluntary Repatriation, 1996: ¹²).

The voluntariness in this sense of AVR-type returns has been questioned by Gibney who labels IOM-type returns as ‘nominally voluntary returns’ (2008). As discussed in Chapter 3, AVR returns have been equated with ‘soft-deportation’ (i.e. deportation but without the element of overt physical force), due to evidence that decisions to return are often imposed on individuals by their lack of other options, and by states’ insistence on failed asylum seekers’ obligation to depart because of their (il)legal status in the country where they sought asylum, an illegal status that the same government has imposed on them (Leerkes et al. 2016).

In relation to assistance, we should first consider choosing to participate in assisted voluntary return and reintegration programs and choosing to return as two different kinds of decisions that might be assisted. The former does not necessarily imply a permanent solution to displacement or positive reintegration successes, whilst the latter more often may lead to reintegration in the community with comparatively less inclination to re-emigrate. Decisions to return which arise from an exercise of positive agency on the part of the returnee in the decision-making process, are associated with his or her greater preparedness and the willingness and ability to make plans for resource mobilization in the process of return. These are prerequisites for assisted return to have ‘successful’ outcomes for post-return reintegration. Since many factors other than the desire to return oblige and structure the failed asylum seekers’ participation in return programs, planning and willingness may be completely or relatively lacking, affecting resource mobilisation and reintegration prospects in turn.

¹² <https://www.unhcr.org/uk/3bfe68d32.pdf>

Taking away the legal and administrative right to remain in the country of former asylum, and policing the duty not to remain are forms of political intervention by host states that leave the individuals thus ‘administered’ or ‘detained’, little choice but to decide to participate in return schemes, since they are not free to decide to stay instead.

In the findings presented in this chapter, a clear distinction emerges between two groups. On the one hand are those Afghans who initially migrated due to external factors, in other words, those who were forced to flee their homes, and on the other hand, those for whom the decision as to whether to stay or leave their home country was considered a matter of choice. For those whose initial reason for flight was fear, persecution, and a matter of survival, their return was generally also forced, and was correspondingly less likely to be ‘successful’ or sustainable. On the other hand, individuals who were not forced to flee their homes in the first place, had mainly been curious about living conditions in Europe or elsewhere, and were originally encouraged to migrate by friends and family members. They, by contrast, were often considerably happier about returning ‘home’, and did not usually regret their initial departure, often expressing views that suggest they felt they had learned valuable lessons from their journeys in other countries, including their time in EU member states. This in turn made it more likely that their return would be ‘successful’ and sustainable.

4.2 Presenting the Research Respondents

Most of the interviewees whose narratives inform this research were young men between the ages of 18 and 42, their average age being around 26. The age of those returned confirms the general findings of other research that it is most often young men who constitute the bulk of ‘unwanted’ migrants, viewed as ‘undeserving’ of refugee status. They are also the ones mainly targeted through IOM AVR programs (Brun, 2017; Zetter, 2007). Figure 3 below shows the breakdown in ages of the selected respondents, showing that three quarters of respondents are between 21 and 40 years old.

Figure 3 Age distribution of interviewees

Age	Number of Participant
< and 20	5
21 to 30	13
31 to 40	6
41 = and <	1

Source: interview data

Figure 4 Disaggregation based on Country of Return

<i>Country of Return</i>	<i>Number of Participants</i>	<i>Eurostat Return % (2015-2018)</i>
<i>Austria</i>	5	6%
<i>Belgium</i>	1	2%
<i>Bulgaria</i>	1	5%
<i>France</i>	1	11%
<i>Germany</i>	6	22%

<i>Norway</i>	7	6%
<i>Sweden</i>	4	17%

Source: interview data

Since the research participants were selected based on purposive and snowball sampling, the country from which they were returned was mainly confined to one of seven European Union member states: Austria (5), Belgium (1), Bulgaria (1), France (1), Germany (6), Sweden (4) and one non-EU member state in the European Free Trade Area – Norway (7). This disaggregation is based on country from which they were returned, with Austria, Germany, Norway and Sweden being where most of the respondents were returned from. These figures align more or less with the overall numbers of returns depicted in Eurostat which shows that about 70 percent of such returns to Afghanistan being from these states with the other two major states being Greece (8 percent) and the UK (10 percent). Even though the sample of 25 research respondents is relatively small, this sample nonetheless constitutes a representative group of Afghans in terms of reflecting the total numbers returned from different European countries and EU member states. Even though as is discussed later, not all returnees were living in Afghanistan before their initial flight towards Europe, almost all were from just 9 of the total of 32 Provinces in Afghanistan. During the time of the interviews, which took place in the second half of 2018, 20 (80 percent) of the 25 participants were unemployed. The other five either had on and off part-time employment or were still in the process of traveling to find their location of (re)settlement.

Figure 5 Provinces of Origin of Returnees

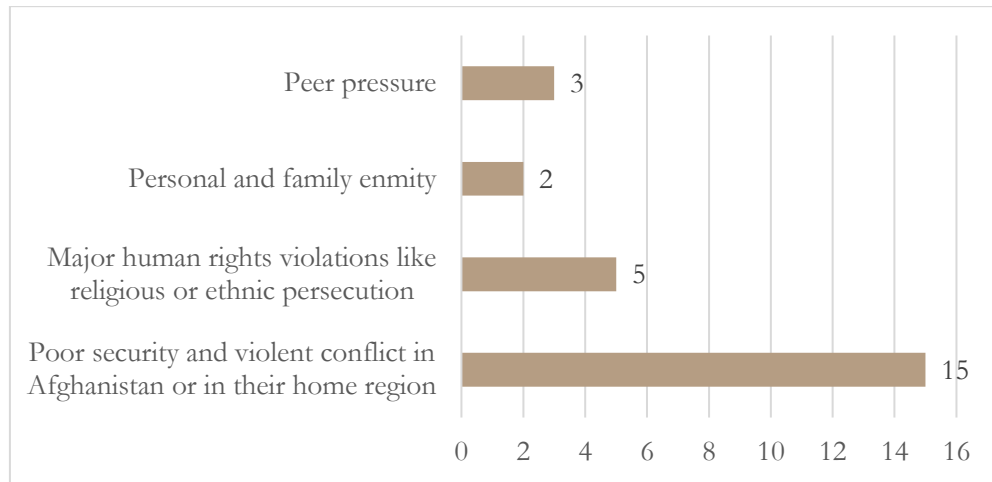
<i>Province of Origin</i>	<i>Number of Participant</i>
<i>Daikundi</i>	4
<i>Ghazni</i>	3
<i>Helmand</i>	1
<i>Herat</i>	4
<i>Kabul</i>	5
<i>Kapisa</i>	1
<i>Kunduz</i>	1
<i>Maidan Wardak</i>	3
<i>Uruzgan</i>	3
<i>Total</i>	25

Source: interview data

4.2 Migration Experience

Of these 25 participants, 15 listed poor security and violent conflict in Afghanistan or in their home region, as the main reason they initially fled the country, sometimes to Iran and later to Europe, and sometimes directly to Europe. Another 5 participants listed major human rights violations like religious or ethnic persecution as the main reason for their flight. A further 2 listed personal and family enmity as the main reason. These statics are provided in the Figure 4 below for a better presentation.

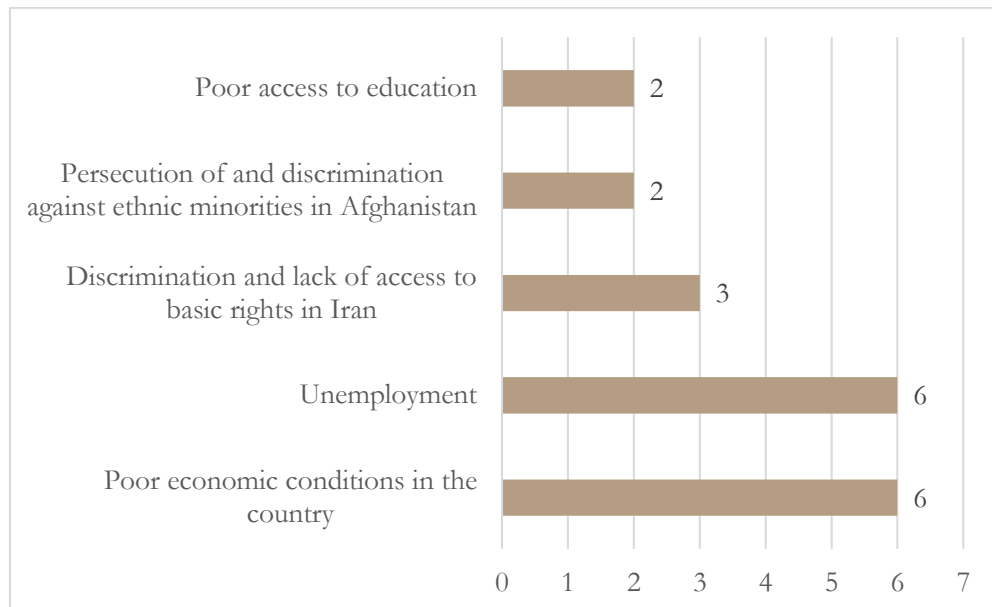
Figure 6 Primary Reason of Flight



Source: interview data

Based on their descriptions of their own migration journeys, 20 of the 25 participants clearly qualified and could be classified as in need of international protection as refugees, as defined by the 1951 Refugee Convention and associated 1967 Protocol. The remaining 3 participants listed ‘peer pressure’ as the main reason for their departure, and their migration was considered voluntary in terms of this study, since all three said their economic conditions had played a major role in motivating their migration to Europe, rather than any form of political or group persecution. Secondary factors influencing flight from Afghanistan reported by the 25 participants were the poor economic conditions in the country (6 cases), unemployment (6), discrimination and lack of access to basic rights in Iran (3), persecution of and discrimination against ethnic minorities in Afghanistan (2), and poor access to education (2). Again, this is depicted in the Figure X below.

Figure 7 Provinces of Origin of Returnees



Source: interview data

These asylum seekers had remained in the country where they had applied for asylum for an average of 22 months and two weeks, with the least being the person who was deported a week after he had applied for asylum since it was the third time he had travelled to Europe and second time he

had applied for asylum in France and longest being the person who had travelled to Norway in 2009 and was returned after his asylum was rejected in 2016. Most of the respondents had fled Afghanistan or Iran in 2015 (20 out of 24) and most were returned in 2016 (12 out of 24).

4.4 Denied Asylum: The Lack of Alternatives

Many interviewees stated outright that they were forced to return. Others described how having their asylum claims rejected, and being severely restricted in terms of their access to rights to work, health, housing and other amenities as a result, all played a role in their decision to sign 'voluntary return' papers. One example is Akbar (not his real name) who states he was initially not willing to return. However, he did finally agree to return, due to problems with his legal right to remain. During the interview, Akbar says:

"I wasn't willing to return but they told me that we will kick you out of the camp and you won't have the right to work. If the police catch you anywhere, you will be arrested and will be deported to Afghanistan while handcuffed. However, if you return voluntarily, we will assist you with 2500 USD. That's why I decided to return through the forced voluntary return scheme" (sic, male, Norway, 2014¹³, 2016¹⁴).

His interesting phrase 'forced voluntary return' hints at the contradiction around the 'voluntariness' of his participation in the return scheme he signed up to, given the prospects of far worse he was threatened with by those providing him with the prospect of being forcibly returned while 'handcuffed'. I get back later to returnees' narrative of voluntariness. However, what his account shows is how his not having any legal right to remain in the 'host' country became a force that removed any other option he could see, other than agreeing to the 'least bad' option of returning 'home' via IOM. Nasim was returned from Norway, and describes the harsh treatment used to persuade Afghans to participate in return schemes. As he puts it, "They make the conditions so hard that you will give in for voluntary return. Besides, those who do not resist are treated much better" (sic, male, Norway, 2009, 2016).

Adil has twice tried to commit suicide, and was about to be admitted to a psychological ward for severe depression in Germany, when this had to be stopped since his asylum request was rejected and he was obliged to 'agree' to be removed/deported/returned instead of receiving psychiatric care. Many interviewees described how the very basic monthly payments they would receive for food and clothing and the health care and educational services they had had provided for them and their families would stop, often as soon as their asylum claim had been rejected the first time. They were then not legally allowed to work, and in many cases were also legally required to leave the country within a month of the decision, depending on whether there was a right of appeal. In some countries, they had no right to remain, and this further, punitive withdrawal of any rights to continue to live legally and settle, had more impact than their rejection of their asylum application as such.

Even before their asylum claims were rejected, the asylum procedures themselves could involve lengthy and very uncertain periods and poor condition in some countries, especially in Greece and Italy. Closed camps where those seeking asylum were obliged to remain were another element that led many rejected asylum seekers to give up on their asylum claims even before any decision had been made and choose instead to return before their claims had been processed.

In short, removing the legal right to stay, even if it does not directly put physical pressure on the rejected asylum seeker, does violate even IOM guideline since it can result in extreme psychological pressure and destitution, as well as continued and prolonged detention in some countries. This can

¹³ Year of flight

¹⁴ Year of return

amount to a strong push factor, as UNHCR defines it, from the host country, violating the definition of voluntary favoured by the UNHCR. This leads to questioning whether voluntariness is being practiced in such returns.

4.5 Poor Asylum Procedures

4.5.1 To Wait in 'Mismanaged' Camps for Uncertain and Unfair Asylum or Return?

Of the 25 research participants, 17 had either decided to take part in the AVR and AVRR programmes or felt obliged or even forced to do so once their asylum applications were rejected and they lost any legal right to stay in the country of asylum. Yet quite a significant number, 8 out of 25, had agreed to return even before they received any response to their asylum request from the host government. One reason given was the prospect of a prolonged waiting period for themselves and seeing other people suffering in camps for years, including families. The asylum seekers often witnessed others already waiting for years. For example, Ahmad, an asylum applicant in Austria who was returned later, reports that another asylum seeker in a camp in Austria was reported to have waited 15 years to finally be granted asylum. Besides, Ahmad explained how asylum seekers in Austria had to go to a church on a weekly basis to get both food and donated clothes, and described the situation of another camp inmate, there since 2009, still waiting despite receiving two negative decisions. As Ahmed said: "His physical and psychological condition was not good. His head would shake and at times, he would get very restless and impatient" (Ahmad, Austria, 2015, 2016).

When Ahmed visits the Afghan embassy in Vienna to inquire about his uncertain situation, they check the databases and inform him that his first interview is likely to be in 2018. He then realizes "the stark contrast between the conditions of the camps and the facilities and luxuries of the city", and decides to apply for voluntary return without waiting another two years for his interview to be possibly scheduled, or possibly not (Ahmad, Austria, 2015, 2016). He had already waited for nine months and now had to anticipate at least one more year before his first interview could be scheduled. This long wait, with few chances of being allowed to stay left him with no other choice but to agree to voluntary return. All those respondents who had agreed to voluntary return even before a decision was made on their asylum claim, complained that asylum procedures themselves were far too lengthy and also very uncertain. Seeing the situation of others who had suffered for many years, and despite waiting were still left in limbo, years later, with their life on hold, and no asylum decision on their case, living with families or alone in poorly-managed camps, was something that proved so frustrating and discouraging that even 'voluntary' return seemed preferable. Shakir, another asylum seeker in Germany describes the difficult conditions of the asylum process and how it had made AVR more compelling than to wait:

"Before I got deported, one of the social workers suggested that I convert to Christianity for my asylum to get accepted. I did not accept it since it was against my faith even though I did not want to return to Afghanistan. However, due to the uncertainty and the poor psychological condition even after having waited for so long. Almost 6 to 7 years is not less but I filled out the form" (sic, male, Germany, 2010, 2016).

The term used here 'deported' belies the difference often made between such agreed-to returns and forced deportations. A life put 'on hold' during the difficult and lengthy process of asylums being requested, is even worse when for months and years one is confined within a poorly-run camp, living in conditions where denial of basic services plays an instrumental and 'deterrent' role, deliberately designed to dissuade those who wish to remain. In many interviews, it was found that lack of access to services and rights, especially the right to work, in the country of asylum, was a significant 'push

factor' that led Afghan men to participate in assisted voluntary return schemes. One respondent, Jalil expresses it this way:

"I slipped on ice during winter which hurt my knee. When I visited the doctor, they did not care about it clearly describing that since I was not accepted and during an active asylum process, we cannot do anything about your leg...I remained in the poor health condition for two years until the decision on my asylum request. It was rejected and I was returned to Afghanistan with an injured leg" (Rejected asylum seeker returned from Norway, male, 2015).

In many cases, not having the legal right to work during the asylum process places great additional pressure on most asylum seekers, especially since many borrowed money for their original journey and remain responsible for taking care of immediate and at times extended families at home. A research respondent shared how working illegally had cost him a serious injury. Instead of helping him, the employer had used this injury to threaten to let the authorities know that he worked illegally. Such conditions place great psychological pressure on asylum seekers and make it even harder for them to tolerate the long waiting period between the application and the decision being known. Such waiting periods can take years, sometimes placing pressure on people so that AVR programs look more attractive than they would otherwise be. As Webber explains:

"Repatriation cannot be termed 'voluntary' where the alternative is utter destitution, with denial of accommodation, basic support and the opportunity to work, or the prospect of children being taken into care or months or years in detention...nor can it be 'voluntary' where the prospect of obtaining recognition as a refugee has become remote because the system for the determination of asylum claims and appeals is deliberately underfunded, depriving increasing numbers of asylum seekers of any legal representation for this supremely important legal decision" (Webber 2011: 104).

Most of these features of interlinkages between the decision to agree to return and hard conditions under asylum processes, were mentioned by most respondents, who also complained that especially during 2015 and 2016, when pressures on asylum offices was greater than usual, Afghan refugees were treated particularly unfairly, and the grave conditions they had experienced at home, and their equal right to fair international protection arrangements, were being routinely denied. Of the 20 respondents who answered a question about whether their asylum application was processed fairly, 19 (95%) defined the process as unfair. Only one of the twenty said he considered the process fair enough.

In many cases, the Afghani men's sense of fairness of their applications and how they were treated overall was based on a comparison with Syrian refugees, whose applications were being 'prioritized' and considered more 'deserving' during the period 2015-2016 in particular. One interviewee, Sultan articulated that, "the conditions of asylum application is not fair...for one person, application gets accepted [after] 15 years and the other in the earliest time possible...I couldn't take it, so I volunteered to return" (sic, male, Austria, 2015, 2016).

Through deterrence policies practiced by EU member states and other 'host' governments, legal stay in the host country and access to all kinds of rights and services are restricted, limiting options for those in the asylum system, so return can be seen as less 'voluntary'. Returns under such punitive conditions are considered 'compelled return' by Cassarino, who defines this as a return to one's "country of origin as a result of unfavourable circumstances and factors which abruptly interrupt the migration cycle" (Cassarino 2008: 113). Kuschminder (2019) describes the logic of deliberately depriving failed asylum seekers of legal rights, including the right to remain, and withdrawing basic services that could make their lives more comfortable. He states that such policies are based on the assumption made by European governments "that forcing rejected asylum seekers and irregular migrants to live in destitution will increase their willingness to participate in AVR" (Kuschminder 2019: 265). Other studies on AVRs, like that of van Houte, more or less ignore the way that such cruelties that aim at obliging people to leave, are calculated by governments, and implemented accordingly.

Overall, this section has shown that what can clearly be categorised as push factors from the host society are strongly inhibiting any ‘free choice’ and therefore any ‘voluntariness’ of return in those whose interview narratives are quoted here. Intensifying push factors deliberately by removing rights, and imposing destitution, tends to limit any alternative options that rejected asylum seekers may have, leading them almost inevitably to consider giving in and reluctantly ‘agreeing’ to return, either by themselves, or by taking part in an AVR or AVRR program.

4.5.2 Return with A Free Flight Ticket: Deportation

After rejection of their asylum applications, Afghan citizens subject to return are not given a proper choice but are set on a time limit to return ‘voluntarily’. In many cases, before these individuals are ready or willing to return, they are forced through different ways which gives these returns deportation-like qualities. While many were financially assisted with their return, through being provided with air tickets and some support in re-establishing themselves in the country through cash and in-kind support, the majority of those returned felt they were dealt with more or less like deportees. In total, more than half of all respondents (13) said they were first taken to a detention and/or deportation centre before boarding the plane, even though their return was supposed to be voluntary and therefore agreed. Four mentioned they were escorted by police (just as the JWF described in its provisions, discussed earlier in Chapter 2). Two were handcuffed, and as the worst example of ‘voluntariness’, two reported having been forced through threats of worse, to sign the papers that said they agreed to voluntary return. The eight people who reported they had been confined in a detention centre prior to return, had been kept there for an average of 44 days, for as little as six days to as much as three months. Detention prior to return seems to contradict the whole spirit and meaning of the term ‘voluntary’, as commonly understood, let alone the IOM and UNHCR definitions. Norway was comparatively depicted to have the harshest means of return. Of the 13 respondents who reported use of deportation centres 6 were returned from Norway. It is noteworthy to mention that there was a total of 7 interviews with returnees from Norway and 6 had reported such. One interviewee Jamal elaborates:

I wasn’t ready to return; however, the government of this country came to our camp at night and took me to the deportation centre at the Airport. I remained there for about five days and then was deported to Afghanistan (sic, male, Norway, 2014, 2016).

Similarly, Mukhtar portrays his experience as:

“When I received the negative response to my asylum request, I was definitely not willing to return, however the government of this country (Norway) came to the camp at night, took me with them to the deportation centre at the airport, I remained there for about five days and then was deported to Afghanistan. The 22 forced deportees had 44 police who escorted us to the airport in Kabul” (sic, male, Norway, 2015, 2016).

Hamid gives us another example of how AVR returns happen. He describes that he was still awaiting the third decision on his asylum request, when immigration police entered his room in the camp at 3:00 am in the morning, handcuffed him and took him to the deportation centre without giving him the chance even to collect his belongings. He describes feeling badly treated:

“...we were treated like dangerous criminals and like if they released us, we would escape. We were kept in tiny rooms in the detention centre without having any kind of permission to go out...until we (with 22 other forced returnees) were escorted all the way to the airport in Kabul” (Hamid, Germany, 2015, 2018).

What emerges from such accounts of return is that returns do have most of the characteristics of ‘forced removals’ or deportation. I agree with Kuschminder’s argument in this regards that migration

policies such as the Joint Way Forward have legitimized such forcible return policies, under the name of voluntary return schemes, and this has enabled European countries to routinely forcibly return rejected Afghan asylum seekers, whilst claiming that through IOM the process is guaranteed to be taking place without coercion and following consent (in Weinar et al. 2019). Another rejected asylum seeker Omid's account confirms this perception:

“After spending [time] in a closed off camp for three weeks, they took me to the deportation centre and forced me to sign the papers leaving me no other choice...On the day I had the flight, there were five other deportees with me, and we were handcuffed which were opened in the plane. I was paid 352 USD in the plane and was told that I will receive 10,000 Kroner in Kabul” (sic, male, Norway, 2015, 2017).

Whilst this mention of financial assistance, actual and offered in Omid's case, covers part of the objectives of AVRR programmes, his description of what took place, and the details provided by other interviewees suggest that at the very least, the 'V' for 'voluntary' should sometimes be omitted from the acronym AVR, when return become 'Assisted Returns' but is far from voluntary. At other times, AVR and AVRR really does help those who are genuinely willing and prepared to return, and who are committed to re-establishing themselves in their return community. Under such conditions (which apply to relatively few failed asylum seekers, if our sample is anything to go by) such programmes can be really effective for cases whereas IOM puts it, 'stranded migrants' are provided the assistance to return. However, in other cases where there is very little choice and informed decision making is involved from the returnee such as rejected asylum seeker's side, (forceful) implementation of these programmes hardly make any sense but can only lead to worsened conditions of the migrant and the country of origin. Labelling all types of returns voluntary and assisted, that may be neither one nor the other, can also negatively affect the reputation of AVR programs and their potential to attract those with a genuine wish to go back 'home', the very few who are not being driven to that choice by a combination of 'push' factors in the host country.

As mentioned above, Norway was reported as the country most often using deportation/detention centres for AVR returns (in 6 of 7 cases recorded). Descriptions of similar mistreatment of asylum seekers and of subjecting them to intimidation by forcing them to sign the papers was associated with Bulgaria (only one respondent interviewed who was returned from Bulgaria), a country which was also reported as very unfair in its manner of reviewing asylum. For example, Jawad complained about bias in treatment of male asylum seekers, when he was separated from his family in Bulgaria. He explains that, in that country:

“...they force you to sign asylum papers without even reviewing your case. After 8 months, we (the respondent, his sister and mother) escaped the camps to Germany. However, two months later when they found that our biometric information had already been registered in Bulgaria, they rejected my asylum in Germany and deported me back to Bulgaria. The asylum process was very unfair and actually kind of cruel because my sister and mother's cases were reviewed in Germany and I was deported back. Once back, I was kept like a prisoner at the deportation centre in Sofia for nine days before my return to Afghanistan. What's painful is that even when IOM provided me with the voluntary return papers and I had signed them, they [still] treated me like a prisoner” (male, Bulgaria 2016, 2018).

In such cases, return is labelled and legitimized as “assisted voluntary return” just because some financial assistance is provided for the returnee, and despite his return having taken place under conditions almost identical to deportation. As discussed previously in Chapter 3, one characteristic of genuinely voluntary return is that it should be based on an informed decision. The informed basis for the decision to return by asylum seekers can be questioned when they are more or less 'sentenced' to return, after being forced to sign documents to say their return is voluntary. Even if they come to know of new information during the process, and then regret their earlier decision to sign, even if under duress, they are not allowed to change their minds. One example is Abrar, who had been waiting for his asylum decision for almost a year in an asylum camp in Austria, along with 600 other

individuals. He decides he cannot cope with the uncertainty of his situation for what may be years to come, and with leaving his family alone all that time in Kabul. So, he signs up for voluntary return. Later he regrets his decision, after a huge explosion in Kabul makes him concerned about escalating violence at home. He is not able to cancel his agreement to return, however, and is provided with a return ticket that he is obliged to use (Abrar, Austria, 2015, 2016). After he returns, Abrar's brother is killed in a suicide attack in Dehmazang Square in Kabul. Abrar then takes his own and his brothers' family to Pakistan to apply for asylum there. He gets robbed by individuals claiming to provide refugee-related services, and his claim for asylum is subsequently rejected by the UNHCR office, which does not accept asylum applications in Pakistan. Abrar subsequently returned to Kabul, where he supports both his own and his brother's family and continues his 'life' under the 'sentence' bestowed upon him by Austrian government to return and live in Afghanistan.

4.6 Reintegration Assistance

Reintegration assistance provided upon return has been used to legitimize returns under AVRR programmes, and in order to enhance the impression that such returns are justified from a sustainability and development perspective. From respondents' narratives it was clear that many had not received assistance on return. Some had received some kinds of assistance, yet in many cases they themselves suggested during interviews that since they were voluntarily returning, they were not supposed to receive assistance on return. This narrative shows considerable confusion over implementation of AVRs, and leads to questioning the extent of returnees' 'informed decision-making' in AVRs.

It seems that the main priority of AVRs is return from Europe, rather than reintegration into Afghan society and economy as such. That return is the primary AVRR priority under the JWF can be relatively easily deduced from a closer review of comparative investments in returning individuals on the one hand, and providing them with assistance they need in efforts to re-establish themselves once they are back in Afghanistan. Of 25 research participants, all were helped 'home' on their journey with at least one single air ticket back to Afghanistan. Of the total number, 16 (64%) reported having received all (13) or part (3) of the financial assistance they had been promised when they signed the agreement to return. The other 9 were either not promised any assistance or not provided with any assistance promised, once they arrived in Afghanistan. None of the 25 received any longer-term support in the form of follow up funding to ensure their livelihoods were contributing to their reintegration after their return.

All 24 other interviewees said their lives in Afghanistan had worsened immensely since they originally left. Many were still heavily indebted because of the huge expense of the failed journey to Europe. In many cases, incentive packages which Webber calls a 'bribe' are nowhere near the average cost of the journey to Europe, and give an impression that the rejected asylum seekers' life is 'being bought' cheap (Webber 2011: 105). Based on AHRDO's calculations on the basis of talking with a total of 45 returned asylum seekers/deportees, it cost each person on average around 11,200 USD, the minimum being 2,000 USD and the highest 40,000 USD. This was the cost of travelling, one way, to an asylum destination in Europe (AHRDO 2019: 17). Given these huge costs, it seems surprising that so many failed asylum seekers, or even asylum seekers with on-going claims, were persuaded to agree to return. This was mainly due to hopelessness at ever getting permanent legal status and the right to remain, or access to rights and resources. By offering even relatively modest incentives attached to return, some were desperate enough to be persuaded to agree to AVR.

Salim applies to return from Austria through an 'assisted voluntary return' programme. However, the assistance he receives is limited to the 'return' part and consists only of the flight tickets he is provided with. His narrative is that:

“Based on the policies of this country, I was not eligible for assistance...Austrian authorities only provided me with a ticket for return to Afghanistan. However, since I had volunteered to return to the country, I wasn’t entitled to any assistance. Nobody even asked me about my living conditions after return, let alone receiving any help from the government of Afghanistan” (Salim, male, Austria, 2015, 2016).

Due to rising unemployment, Salim is currently working as a bodyguard for an MP in Kabul, which he considers a very dangerous job, since he can be killed at any moment in an attack. He says he cannot return to his place of origin due to insecurity and threats from the Taliban in his home area.

Another asylum seeker, Jawad, was returned from Germany to Bulgaria under the Dublin Rules and then returned to Afghanistan after his asylum request was rejected. His is another case where the assistance was focused entirely on return and there was no financial provision at all for the reintegration, the second R in AVRR. There is an uncertainty in the understanding of returnees about their eligibility for assistance. Once again, this ambiguity is revealed through Jawad’s explanation of his situation:

“Since I was a forced deportee, I was in no way assisted by the German, Bulgarian or Afghan governments. I had heard from others that if you return voluntarily, you will get some cash to assist you. I did inquire from the IOM office in Bulgaria but did not hear back. I did the same with the IOM in Kabul; however, they told me I was not eligible. When I asked why, they didn’t tell me a reason even though my name was identified in the ‘voluntary returns’ list. I only signed beside my name as they asked” (Jawad, male, 2016, 2018).

The confusion about who is entitled to assistance and who is voluntary and who is forced, is evident from this statement, which expresses great confusion at who is eligible or not, and for what. Since most returns to Afghanistan after 2016 were enabled through the JWF with IOM at its forefront, such ambiguity around the policies should not persist. It also shows that the main concern of IOM and AVRR is to legitimize returns without making adequate provisions for financial support to improve returnees’ post-return living conditions or to support their livelihoods. This is reported by interviewees, even though the JWF and AVRR programs clearly state that such support is crucial to the programs success. Jawad’s narrative not only makes the mistaken assumption that “since I volunteered to return, I was not entitled to the assistance...”, it also does so after stating that he was a “forced deportee”; when he tries to understand the rules, he is met with blank indifference that suggests transparency may not be the goal of all those in the IOM when it comes to returnees like Jamal.

4.6.1 Return Sustainability for Development

Even though the JWF and AVRR programmes in general focus on sustainability as an integral part of the return process, this has hardly been the case with the 25 interview participants. This is particularly important since a much-vaunted part of the entire JWF and return programs, has been to ensure the much-needed young and working-age individuals become ‘agents of change’ and enablers of development. Yet for many returnees neither has reintegration been possible, nor has their return been sustainable so that they can contribute and give back to their communities. Since there is next to no ‘preparation’ for return, adverse results are the consequence. Two returnees still had family members in Iran and had moved there after returning from Europe, only to find themselves caught up in expulsion measures being enforced by the Iranian government. Of 25 returnees interviewed for this research, eight had initially lived in Iran. 10 of the 25 (40 percent) were unable to return to their home regions, the place they had been settled in before they were forced to flee. For example, one interviewee describes the poor security conditions of the country and his inability to return to his origin:

“I can’t return to my province because there is no security on the way. Three months ago, my aunt’s family was hijacked on the Ghor-Herat highway and were fired at. It was on media but the government did not show any reaction while the rejection of our asylum request is directly related to the agreement between the Afghan government and European states since it was because of Ghani’s decision that I was deported and the eligibility conditions of acceptance has gotten much difficult” (male, Norway, 2015, 2016).

The conditions of the living in Afghanistan and lack of security and other services makes prospects of reintegration and re-establishment of the returnees very unlikely. The majority (18 out of 25) of the interviewees reported about their intention to save money and re-migrate, either return to Iran or back towards Europe. For most of the seven interviewees who had decided to stay in Afghanistan, most had a voluntary initial flight (all three who had said they were pressured into leaving by friends) or they had dire psychological or economic conditions due to their journey (3 reported large debts or severe depression or frustration in European policies) or many years wasted on a ‘failed case’ (1 had waited for six and another for three years). However, since most of the research participants were either planning or had wished to re-emigrate again, the main reason they listed was insecurity, uncertainty of a proper future especially related to education and employment, human rights violation and persecution of and discrimination against ethnic minorities. As a research participant is quoted, “I will not be staying in Afghanistan since they don’t consider us human beings. Since I have returned no one has care or asked how my life has been.” ...-(male, Norway, 2015, 2017).

Another example is Jawad who was separated from his sister and mother who are still waiting for their asylum to be processed in Germany even though he was deported back to Bulgaria due to the Dublin law. He is currently living in secret with his fiancé so that his relatives do not come to know that he was deported after his asylum was rejected. He says that, “if my situation continues like this that I can’t find employment despite being capable and literate, I will have no choice but to re-migrate. I am even willing to live illegally in Europe as long as my life is not in danger and I have a minimal income for a simple life” (Jawad, male, 2016, 2018).

Finding no prospects and life getting worse after return has been a reason why many are interested in taking the route towards Europe once again despite all the challenges and hardships they had listed to have faced during the journey. A research participant describes this condition very well through an excerpt of his interview:

“Afghanistan readmitting the returnees is not right because the condition of people in Afghanistan is very bad. The government should first facilitate a better living condition and employment opportunities, and then request the deportation of people ... There can be death in every moment of life in this country and every moment is hell...there is no greater danger than insecurity and poverty happening together...so when my family and I are able to, we won’t stay here another moment” (Ahmad, Austria, 2015, 2016).

Most of the respondents reported that they are still in-debt due to the expenses of their journey to Europe but as soon as they get their financial stability back and can save a little, they will be on their way to either a neighbouring country or Europe where they can see a safer and manageable future. Since most of the returnees had received little to no support and none in the long-term as part of them being ‘prepared’ for the re-integration and considering a large number of the participants are unemployed and unable to fit in their communities, it is clear that sustainable returns have not ensured and neither are the role of returnees as agents of change and development enabled.

4.6.2 Born in Exile: Protracted Refugees from Third Countries

Many of those returned had actually migrated to Europe after years of living in Iran or even being born there. Of the 25 research participants, eight (32 percent) had been living in Iran before their

decision to flee to Europe. Since a major section of the research respondents had initially travelled to Europe after having lived in Iran for years, it is important to discuss how this affects their reintegration prospects in Afghanistan and the consequences of the return and readmission policies such as the JWF on these individuals. Basically, since JWF puts the burden of proof about citizenship on the returnee and the readmission state and the European states are only able to remove these citizens directly to Afghanistan, what this means for the returnee also hints at the inefficiency and impracticality of the policy.

Many of those with such a status stated that before migration he had not seen a future for themselves or for their children in Iran and complained about lack of educational and employment opportunities, and mistreatment of, discrimination and dire human rights violation of Afghan refugees in Iran. For example, a research respondent expresses disdain about the situation in Afghanistan including the security challenges and human rights violation and also how Afghanistan was not the right place for him to be forced to return to. He clarifies:

I know Afghanistan is my country. After 30 years I was returning and was horrified seeing the city in such condition. I stayed for a month in Kabul and everything was strange. I did not feel like I belonged here at all. Despite knowing that Afghanistan is a toy for a handful of powerful individuals in the government and that if you complain, you will get your answer with a bullet, I had no choice but to bring my family back to Afghanistan. I had no chance in Iran anymore since I had sold everything. Besides, I brought my daughters back so at least their spirit is not crushed with insults and abuse at schools like in Iran where they consider Afghans as barely as valuable as animals [had been 15 days since the respondent's return to Afghanistan from Iran by the time of the interview on 07 July 2018] (male, Austria, 2015, 2016).

Even though the above respondent had finally returned back to Afghanistan after having been displaced once again when he was returned by the EU member state to Afghanistan where he had no home, there are many other who had stayed uprooted for one more time due to the return to the wrong place. Two of the eight respondents who had initially travelled from Iran are still living in Afghanistan, separated from family still living in Iran and without a 'home' to return to. Considering it is a third of the research respondents with such a condition, it is important that the practicality of the policy and how this fact questions voluntariness and the returnee's agency even further should be reviewed again. This should be looked at also from the sustainability of return and returnee as 'agents of change and development' aspect.

4.7 Conclusions: Voluntariness and Assistance of Return

The findings of this research show multiple factors that can demonstrate that the returns to Afghanistan under the AVR and AVRR programs such as related to the JWF agreement have not been entirely voluntary. These factors include limiting the legal right to stay (rejection of asylum), the unfair/inefficient asylum process (waiting period and uncertainty associated with the process, the living conditions, access to basic services, employment or educational opportunities in the country of asylum) and use of force in returning rejected asylum seekers (with the characteristics of deportation). All these points are analysed in light of the AVR/R programmes and agreements between the Afghan government and the EU (such as JWF) or with other European states. Even though at least a third of the respondents claimed that they had voluntarily agreed to return, in this paper their narrative and understanding of what they consider voluntary or involuntary return is studied in detail. In the next section of this paper, the role of the Afghan government will be discussed further and how the entire agreement has been in the interests of the few powerful at the top of the government in Afghanistan, a discussion of social inequality along with the rights of ethnic minorities could prove to be useful.

Chapter 5 A Deal between Devils?

5.1 Introduction

A recurring theme in the research findings is what returnees consider to be the main reason for their return or deportation. What is interesting is that they almost entirely blame this on the government of Afghanistan, rather than on European governments who initiated policies of (forced) return. In line with the increase in the number of Afghans fleeing towards Europe in 2015 and 2016, the Afghan president, Ashraf Ghani expressed the view in a BBC interview that he had no sympathy for those fleeing ‘under the slightest pressure’ even though he agreed Afghanistan was at war (Hakim 2016). He argued that when citizens leave, they ‘break the social contract’ and should instead ‘make a commitment’ to the country. As he put it: “countries do not survive by the best attempting to flee” (Hakim 2016).¹⁵ This narrative created by the president has dominated the discussion of returnees about why they had to be returned. They thought they were “sold out” by their own president, keeping in mind the worsening security situation and the limited to non-existent access to basic services and rights for most Afghans (AHRDO 2019).

5.2 Blame, Lies and Responsibilities

Even though the government’s narrative about asylum seekers is to stay ‘home’ so they can work for the development of their country, the situation of poverty and economic recession is hardly likely to be much improved by forced returns back to the country of ‘failed asylum seekers’. Most returnees express grievances against the Afghan government’s insensitive position, and considers their own home government to be the main reason for their forced return. For example, one of the interviewees expresses it this way:

Another point was that the Afghan government and European states had agreed on a cooperation agreement that the Afghan asylum seekers will be returned to Afghanistan in return for money. I do not agree with such a system, it resulted in our cases not being reviewed in a humane and just way and the Government played with our future. Rejected asylum seeker returned from Norway (male, 2015).

The dominant narrative among returnees is that the Afghan government had sold them out for money. This narrative takes a dangerous turn since most of the returnees expressed their disdain of the Afghan government and almost entirely blamed governmental officials, including the President, for their deportation from European countries, rather than holding European countries and the EU responsible. An important narrative repeated again and again was how the Afghan government underestimates the needs of asylum seekers and fails to ensure that their rights and access to safety, livelihoods and services in the country of origin, are all protected adequately. In some cases, the asylum seekers had directly been told that their return was due to a request made by the Afghan President. Ali explains that when he complained about the unfair decision on his asylum, he was responded with:

It is your President who has requested your return based on an agreement that is already signed for your return to your country. We are just following the rules and cannot do anything about this (Ali, male, Sweden, 2015, 2017).

The signature of the JWF has been considered to have specific consequences within the context of Europe and asylum applications. A main theme that reappeared in many of the interviews was that before asylum seekers, even if they had received a negative decision, could stay in the country, apply

¹⁵ <https://www.bbc.com/news/world-asia-35928538>

for their case to be reviewed again and were not forced to return. However, with the agreement, not only that their legal right to stay shortened or was completely removed but since then, their applications are not even reviewed properly increasing the number of negative decisions. A respondent describes:

“The government of Afghanistan had directly contributed to my and other Afghan’s deportation. When I received the first negative decision against my asylum request, I reapplied again and wasn’t deported so that it is reviewed again. However, with Ghani’s visit to Sweden and Norway, the agreement was signed and after that Afghans would often receive negative decisions and were deported back to Afghanistan. After his visit, Afghan’s cases were not even investigated fairly and after a few days everyone kept getting negative decisions and with the lies of the Government of Afghanistan, we were deported” (male, Norway, 2014, 2016).

Overall, the findings suggest that since the signature of the JWF cooperation agreement, access to services and living condition of the asylum seekers have worsened, ensuring that staying becomes a less attractive option. Hamid fled to Germany due to religious persecution and describes that when he visited the Afghan embassy in Germany to inquire about his asylum case, the staff insisted that he should agree to return. Talking about the impact of the JWF on Afghans asylum seekers’ conditions, Hamid explains that:

“Due to the agreement between the Afghan government, especially the President, and the government of Germany, we were no longer allowed to work or get an education during our wait period, not even for the underage. Teaching of German language in the camps stopped even though a few humanitarian agencies continued with their charity work in this area. Besides, Afghans like Syrian asylum seekers were treated based on the humanitarian and international protections laws before the agreement and could at least stay in Europe until they felt ready and were only forced to return when they had committed a serious crime. Now, they reject the request without a fair process and sentence you to forced return” (Hamid, Germany, 2015, 2018).

Even though the JWF did not explicitly advocate for the return of Afghan asylum seekers, it did play an enabling role in the European context where large scale removals were legitimized by the policy. For example, an Afghan asylum seeker who volunteered to return due to the uncertainty associated with the asylum process in Austria, and was assisted with return tickets, explains that:

“After the President’s visit to Sweden and signature of the agreement for the return of asylum seekers from Europe, all relevant European policies changed, and collective removal of Afghan refugees started. An example of such removals took place in our camp...before even if a person’s asylum was rejected, he could appeal again and wait for even ten years but with this agreement, they were all removed and deported to Afghanistan” (Sultan, male, Austria, 2015, 2016).

As Kuschminder (2019) describes, policies such as the JWF by pressuring countries of origin to readmit their nationals, permit host countries such as EU member states in effect to forcefully return rejected asylum seekers and other unwanted nationals back to those countries of origin. Even though voluntary return would be preferred, such policies provide legitimacy – or at least cover – for what are in effect forced returns (Weinar et al. 2019: 263).

5.3 Conclusion

What the discussion in this Chapter has shown clearly is that not all of the returnees are properly informed about the policies such as the Joint Way Forward. Instead they are exposed to generally available information on social media and news platforms such as information about the Afghan President’s speech in Germany. Return has long been a priority of European states, but their insistence

on return should not have implied large-scale returns legitimized in 2016 by the speech of the Afghan president. This hints that returnees are not fully informed, and this has been discussed in the last section in relation to the voluntariness of returns, one of the first and central criteria of the UNHCR guidelines on voluntary returns.

Overall, the EU and its member states are playing a very dangerous game as the already limited trust between the GoA and its citizens is further strained through joint implementation of the JWF and similar policies the Government is being pressured into signing by its EU partners. It is not the EU which is blamed, but the GoA that is indeed held accountable. Considering the negative implications this can for security in Afghanistan (AHRDO, 2019), the return of Afghan refugees on an involuntary basis can have very adverse results on civil peace in Afghanistan, of course well away from the European sub-continent, and in line with policies of externalization of border controls in migration. However, there is a danger that in the longer-run both in Afghanistan and in Europe there could be negative implications for the security situation of the JWF, worsening the situation and simply triggering more out-migration from Afghanistan.

In the long-run as when one dumps rubbish in the sea, those rejected come back to haunt Europe in the longer-run. To drop one's rejected migrants into the yard of one's partner countries is bound to be dangerous in the long run, bearing similar consequences to other 'dumping' exercises in the past, by resulting in another major outflow of Afghan refugees from within Afghanistan or from neighbouring countries, where they see no prospects for their future security.

Chapter 6 Conclusion

Building on the theoretical frameworks about ‘voluntary’ and ‘involuntary’ return and ‘sustainable return,’ and ‘successful/sustainable reintegration,’ the research finds that AVRR to Afghanistan neither voluntary nor assisted in all cases. The important theoretical angles discussed here are the importance of the actors and policies involved that can substantiate the factors influencing return as such. This includes limited the legal right to stay (rejection of asylum), the unfair/inefficient asylum process (waiting period and uncertainty associated with the process, the living conditions, access to basic services, employment or educational opportunities in the country of asylum) and use of force in returning rejected asylum seekers (with the characteristics of deportation).

One could say that as asylum applications increased during 2015 to 2017, when the numbers grew immensely, were poorly managed and that indeed this became a policy crisis. However, this can also mean that it was during this time of crisis, that the deep-rooted anti-immigrant policy biases of the EU and other European countries were put in practice. This involved organizations such as the IOM becoming involved, which do not act on the same human-rights-based approach as the UNHCR, despite being a ‘UN-agency’. This research should not stop here, and neither should we consider the crisis to be anywhere close to over. With more and more evidence building up, there is a clear and evident need to revise the policies that enforce returns, so that forced returns wilfully labelled as ‘assisted voluntary returns and reintegration’ are stopped, and that genuine ‘joint ways forward’ be found that take into consideration, and care about, life after return even if it is thousands of miles away from the territories of the European Union.

All in all, besides the reasons described for why the ‘assisted voluntary returns’ cannot be fully considered as ‘voluntary’ and ‘assisted,’ the discussion about centralizing agency around returnees’ pre- and post-return transnational mobility facilitated by provision of legal status as a vital factor in understanding return, can supply this research with a strong theoretical evidence-base.

Appendices

Appendix I: Research Questionnaire

- Date of interview:
- ...
- When did you migrate (including month and year)?
- Could you briefly describe how you migrated?
- What was the main reason of your migration?
- ...

Asylum System:

- How long did it take them to process your asylum? How do you evaluate this process? Was it fair or not?
- Why was your asylum request rejected?
Deportation to Afghanistan

Assisted Voluntary Return

- When and how were you returned from Europe?
- Who or which organization picked you up at the airport in Kabul and how did they treat you?
- What type of governmental/non-governmental assistance did you receive?

Reintegration

- After return, did you settle in Kabul or any other city?
- After return, what kind of threats/challenges did you face?
- Besides security issues, what effect did your migration and deportation have on you and your family?
- To what extent do you think the circumstances that forced you to migrate has changed?

Return Agreements

- What role did the Afghan government play in your return?
- What do you know about the bilateral and multilateral agreements on returns between the Afghan government and European countries?
- Do you think accepting deportees by the Afghan government in the current security situation was a right thing to do or not? Why?
- ...

Remigration?

- Are you going to stay in Afghanistan or going to migrate to regional countries or any European countries once again?

Appendix II: A Conceptual Discussion of Return Migration

In Neoclassical Economics, migration is generally considered an economically rational decision and individual's return is often considered a failed outcome, since the individual will return only if he (it is usually he in this model) failed to maximize profits as initially calculated prior migration. In NELM, on the other hand, migration is usually considered to be based on imperfect information, and temporary. Return become the logical ending for a plan set out at household level; an individual would normally return after having achieved the initial goal set, e.g. to save, send a certain amount of remittances home, or diversify income and spread risks in the face of market uncertainties. Contrary to neoclassical economists, under NELM, return can indicate a successful migration process, since successful achievement and duration of stay abroad is calculated at the level of total household rather than individual purchasing power and savings, involving 'mutual interdependence' (Stark, 1991: 26 cited in Cassarino 2004: 255). As Cassarino describes it, according to the NELM theory of returns, "migrants go abroad for a limited period of time, until they succeed in providing their households with the liquidity and income they expect to earn" (2004: 256). De Haas et al. provide a detailed discussion of cases when return is cited as either success or failure (Cassarino 2004) in relation to integration in the community of settlement. Although this study of Moroccan migrants does not back NE or NELM explicitly, its premises are more in line with the NE approach, since De Haas et al. suggest that only if a migrant achieves the expected integration into the host community, would return be a rational choice; by the same token, successful integration undermines the rationale for return. In line with NE, while "winners" settle, "losers" return" (de Haas et al. 2014). Factors related to poor prospects in the country of origin, related to investments for example, are positively related to the return prospects of an individual. The length of stay and success in the host community are related to the ability to invest in the country of origin, so in this sense part of the NELM hypothesis is also supported by this study. De Haas et al. (2014) conclude that competing theories play a complementary role, given the considerable heterogeneity of the migrants in question.

Overall, even though both theories could describe significant reasons why people migrate and return, many scholars have criticized them for focusing too much on the economic factor only. Building on this criticism, these analytical frameworks are inadequate for this study, which considers forced migrants, those who seek asylum. As Cassarino explains, "in a neoclassical stance, return migration exclusively involves labour migrants who miscalculated the costs of migration and who did not reap the benefits of higher earnings" (2004: 255). Migration out of Afghanistan has been multi-causal, with the poor security situation being the main reason for mass displacement (Monsutti 2007, Monsutti, 2008, Rodriques and Monsutti, 2017), which means such economic theories provide at best only partial insights into reasons for return, and ways of judging 'success' and 'failure' of such returns.

Another concept that could complement the NE and NELM approaches, for the purpose of this paper, is the structural approach. This gives greater importance to social and institutional factors in countries of origin, in individual experiences of migrants (Cassarino, 2004: 257). This is quite relevant since decisions to migrate are not made by isolated individuals but by extended families, so that social and family ties are involved in the entire migration and return experience, including initial decision making and support for the journey (Monsutti, 2006, 2007, 2008). A structural approach emphasises the environment at 'home' as an important factor in how successful and sustainable return can be, and how returns impact development and social progress in the country of origin (Cassarino, 2004: 260).

Another approach to return migrations can be found in transnational and social network theories. Transnational theories aim to understand the strong social and economic ties that can exist between communities in origin and destination countries, based on "regular and sustained social contacts over time across national borders" (Portes et al. 1991: 219). This approach does not consider return as the end of the migration cycle, which can continue with re-emigration (Cassarino 2004: 262). Whilst this is a very relevant approach for diaspora studies, this particular transnational theory is not particularly

useful in this study, since most of the respondents are rejected asylum seekers, many of whom barely had the opportunity or time to integrate in their host communities or establish any long-lasting cross-border networks that could positively influence their decision or preparedness to return to the country of origin. According to Cassarino, “return takes place once enough resources, whether financial or informational, have been gathered and when conditions at home are viewed as being favourable enough” (Cassarino 2004: 264). This does not relate to the situation of most rejected asylum seekers and other forced returnees whose motivations are rarely purely economic and social. Besides transnational identity, the concept of transnational mobility describing the back-and-forth movement across borders of host countries and countries of origin can be considered helpful for migrants’ preparedness to return. However, such considerations are unlikely to figure prominently for rejected asylum seekers who may fear returning due to political factors as well as socioeconomic limitations, and who even if they aspire to re-migrate, may have very limited opportunities to do so.

Finally, social network theory is discussed in Cassarino’s critical compilation of theories of return. Similar to transnational theory, the social network approach places substantial emphasis on cross-border networks in the host communities as established by the returnee (Cassarino, 2004: 265) and that return is not the end of the migration cycle (*ibid.*: 268). However, return being part of the migration cycle does not hold for this research since the returnee can most probably not engage in back and forth journeys between two destinations, but neither is return the end of the cycle for returnees, who may be forced to leave once again. This holds better under this research because many of the returnees show less attachment towards their countries of origin, particularly the Afghan State in this case, and not necessarily because they have more allegiances to the host communities where they had settled temporarily.

Appendix III

Research about displacement in Afghanistan include analysis of its multi-causal nature and as a livelihood strategy (Monsutti, 2008) demographic security analysis (Rodrigues and Monsutti, 2017), its cultural factors (Monsutti, 2007) and the phases and patterns of displacement, transnational networks and family ties (Noor, 2006; Monsutti, 2008; Muller, 2009; Khan, 2014, 2017), Afghan asylum seekers in the region (W. Kagan, Kagan and Pletka, 2008; W. Kagan *et al.*, 2012; Christensen, 2016; Khan, 2017) and in Europe (Dolan, Schuster and Merefield, 2009; Schuster, 2011; Dimitriadi, 2013; Donini, Scalettaris and Monsutti, 2016; Stanzel, 2016), return and circular migration (Monsutti, 2006, 2007; Schuster and Majidi, 2013; Harpviken, 2014; Khan, 2014; van Houte, 2016; Majidi, 2017), non-voluntary returns (Blitz, Marzano and Sales, 2005; Schuster and Majidi, 2013; Majidi, 2017; AHRDO, 2019) and the implications of deportations including security (Schmeidl, 2002; Schuster and Majidi, 2013; AHRDO, 2019).

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