



Memorandum 2022-3

Intergovernmental relations and return

Part 3: Beyond return frameworks

An exploration of Dutch and Norwegian intergovernmental strategies to implement enforced return to Afghanistan, Iran, and Iraq



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Memorandum

This series comprises overviews of studies carried out by or for the WODC Research and Documentation Centre. Inclusion in the series does not mean that the sheet's contents reflect the viewpoint of the Dutch Minister of Justice and Security.

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Each year the Member States of the European Union issue around 500,000 return decisions to persons who do not, or no longer, have legal stay. A return decision requires the person to leave the territory of the state issuing the return decision and to go to a country where he/she does have legal stay, usually his/her country of citizenship. If persons do not leave themselves, they risk being returned by force. The implementation of assisted and forced return often requires cooperation by the countries of citizenship of the person receiving the return decision, and thus partially depends on the intergovernmental relations between EU+ (EU Member States plus Norway, Switzerland, and the United Kingdom) and non-EU+ countries. The WODC has conducted three interrelated studies on the influence of these relations on return:

- 1 A preparatory study to critically assess the validity and reliability of the European data on enforced return.
- 2 A quantitative longitudinal analysis of the effects of different types of EU-wide and bilateral intergovernmental return frameworks (e.g., re-admission agreements, Mobility Partnerships) on the registered rates of enforced return from the EU+ countries to the non-EU+ countries.
- 3 A pilot for the Netherlands and Norway to qualitatively explore the role of return frameworks and other (inter)governmental return strategies during concrete procedures to implement assisted and forced return to Afghanistan, Iran, and Iraq, and to identify possible opportunities for mutual learning between EU+ countries.

The first two studies were carried out by the WODC. For the comparative pilot, the WODC collaborated with the Norwegian Institute for Social Research (ISF).

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1 Introduction

1.1 Background and research questions

Enforced return¹ is an intensely politicised practice.² In EU+ countries, national political elites may be eager to enforce immigration law and project sovereign territorial control by showing high levels of assisted returns among those receiving an order to leave or, if necessary, by forcibly removing unauthorised migrants from state territory. In non-EU+ countries, by contrast, political elites may be wary of being seen as helping foreign states to thwart the migration aspirations of their compatriots abroad. They may also be reluctant to disrupt the flow of migrants' remittances by re-admitting returnees.

Enforced return thus straddles the domains of national *and* international policy in destination states as well as origin states. It requires strong domestic state institutions that can enforce immigration law, but also requires strong international relations. Intergovernmental collaboration is especially crucial to enforce return decisions issued to irregular migrants who lack, or do not present, valid travel documents; such persons can normally only be returned to their country of citizenship if the authorities of the country concerned provide a *laissez passer*. Host states depend on origin states to collaborate on the identification of migrants as their citizens, on the issuing of the travel documents, and on giving returnees physical access to the territory at the border. It is therefore also important to understand how intergovernmental relations expedite, or impede, enforced return beyond the signing of what we have called 'intergovernmental return frameworks' (for a conceptualisation see part 2 of the study (Leerkes, Maliopaard & Van der Meer, 2022)). For part 3 of the research project, the results of which are reported in what follows, we therefore paid more attention to intergovernmental relationships during the actual *implementation* of enforced return, both during forced procedures and, to a lesser extent, during assisted return procedures.

Additionally, this study explores whether or not the Netherlands and Norway can learn from the experiences and strategies of one another by comparing the experiences and strategies of the two countries in relation to enforced return to Afghanistan³, Iran, and Iraq. Such comparisons may lead to useful new insights as different EU+ countries – despite the EU's attempts at harmonisation – have developed somewhat different approaches to enforced return (cf. Leerkes & Van Houte, 2020). This raises the question of how different EU+ states strive to accomplish enforced return to the same origin states, and with what 'quantitative' and 'qualitative' outcomes (e.g., what rates of enforced return do they achieve, and do states enforce returns within the norms that matter in liberal democracies, including migrants' fundamental rights and a commitment to accepted principles of sound administration?). This exploratory study was thus guided by two research questions:

- 1 *What are the experiences of the Netherlands and Norway with regards to enforced return (forced and assisted return) to Afghanistan, Iran, and Iraq?*

¹ We use the term enforced return as an umbrella term for all returns falling under the scope of the EU Return Directive (2008/115/EC), including forced return and assisted return.

² The definition of forced return is intensely politicised, too. While the distinction between forced return and assisted return is common in policy discourse, they are better understood analytically as 'hard' and 'soft' return, i.e., on a continuum of force and volition rather than as discrete categories.

³ Since August 2021, the Taliban took has taken over power in Afghanistan and enforced return to the country has stopped. Therefore, in this study we are concerned with earlier periods.

2 What (inter)governmental strategies have the Netherlands and Norway developed with a view to effecting enforced return to Afghanistan, Iran, and Iraq?

1.2 Justification of the cases

We chose to compare Norway and the Netherlands because both EU+ countries have developed 'thick' enforcement regimes (cf. Leerkes & Van Houte, 2020). Compared to other EU+ countries they have a relatively strong interest in enforcing returns, combined with relatively strong institutional capacities to implement them (cf. Leerkes & Van Houte, 2020).⁴ It is nonetheless possible that the two countries have developed different policies to promote enforced return from which the other country can learn and themselves adopt. Both countries are also liberal democracies committed to international law and liberal values. Norway can therefore possibly help the Netherlands to better implement enforced return within relevant international legal frameworks, and vice versa.

We decided to include more than one non-EU+ country in the study, as we wanted to compare experiences with different non-EU+ countries. We chose Afghanistan, Iran, and Iraq because these three countries turned out to be major source countries of (rejected) asylum seekers and former asylum residence permit holders for both the Netherlands and Norway. Initially, we had also planned to select cases with differing return rates (i.e., where the Netherlands has higher rates of return than Norway or vice versa), which would have enabled us to identify factors in the bilateral relations that impact enforced return and cause differential return rates. However, it turned out that we could not really identify such cases. It may be due to Norway and the Netherlands' similarities in approaches and institutional capacities that there are no major differences between their return rates, but in Part 1 of this study we also discovered that the Eurostat return data do not allow for precise comparisons between EU+ countries (see Maliepaard, van der Meer, Leerkes & Ramdin, 2022). In Appendix 1, we explain in more detail the steps that were taken to select the three non-EU+ countries.

1.3 Methodology: an exploratory pilot study

The report should be read as the outcome of an *exploratory pilot study* with two main aims: (1) to explore whether it would be possible for policy researchers to learn more about the sensitive topic of intergovernmental relations during the implementation of enforced return procedures, without unduly harming the international relations between the countries involved, and (2) to explore whether comparative studies of this kind allow different EU+ countries – and potentially also different non-EU+ countries – to learn from the experiences and strategies of other countries when it comes to enforced return from Europe.

⁴ Leerkes and Van Houte (2020) classified other EU+ countries as 'thin', 'targeted', and 'hampered' post-arrival enforcement regimes. Italy and Spain (classified as 'thin regimes') seem to have a relatively weak interest in enforcing returns (because the countries need irregular migrants on the informal labour market and assume that many irregular migrants will travel onwards to other European countries), in combination with more limited institutional capacities to enforce returns. Germany and Sweden ('targeted regimes') have well developed capacities to enforce return in combination with a weaker interest to use these capacities, leading both countries to exempt certain 'tolerated' categories from return. Denmark (tentatively classified as a 'hampered regime') has a relatively strong interest in enforcing returns combined with weaker capacities to enforce (its policies to deter unwanted migration have led it to limit financial assistance for assisted returns, for example, and its stance towards migration and diversity may have made it more difficult to obtain cooperation with non-EU+ countries on return).

The pilot, which was conducted within a limited time frame and budget, proceeded in two phases. During phase one, researchers in the Netherlands and Norway conducted a limited number of dual or group interviews with, in total, four Dutch and four Norwegian respondents from the national state agencies that are tasked with coordinating enforced returns.⁵ We define enforced returns as all returns occurring after persons have received return decisions. Such returns can be forced and relatively 'voluntary' (in the sense that persons who are ordered to leave decide to cooperate with the authorities on their return),⁶ in which more assistance is typically provided. As we were also interested in such assisted returns, we conducted key informant interviews in both countries with the International Organization for Migration (IOM).⁷ In Norway, we also interviewed a representative of a migrant advocacy organisation. In total, we spoke with 13 respondents: seven from the Netherlands and seven from Norway. During phase two, after a preliminary analysis, eight expert practitioners from the Netherlands and Norway were brought together in a joint online focus group to discuss tentative findings, provide critical feedback, and engage in direct dialogue with each other. The fieldwork began in July 2021 and was completed in October 2021. Additional methodological details can be found in Appendix 2.

Several limitations should be mentioned. First, we chose not to speak with public officials from non-EU+ countries for this limited pilot. Additionally, and relatedly, we focused on the implementation of enforced return in a relatively narrow sense; the European respondents spoke little about the 'quality' of enforced return (e.g., they said little about returnees' re-integration trajectories, the consequences of enforced return for the non-EU+ countries, and international relations with these countries). Finally, the Norwegian experts we interviewed were more directly involved in assisted return, and considered forced return to be largely outside their remit. This biased Norwegian data towards assisted return. The Dutch respondents, by contrast, provided more operational details about forced return to the three non-EU+ countries. Despite these limitations, the results for both the Netherlands and Norway certainly illustrate the experiences and strategies of two EU+ countries with relatively 'thick' enforcement regimes in relation to three important non-EU+ source countries of irregular migration in the Middle East and South Asia. The findings also help to better document enforced return as an intergovernmental *practice*. They illustrate that cooperation with non-EU+ states on enforced return is certainly not only about written intergovernmental return frameworks and negotiation tables; it is also about international relations more generally and about micro-level connections and

⁵ One focus group with four respondents took place for Norway, and two focus groups, with two respondents each, were conducted for the Netherlands

⁶ Henceforth referred to as 'assisted return', as it is called in Norway. Various researchers have pointed out that the voluntariness of voluntary returns is limited, especially if persons have received a return decision (see for example Webber, 2011; Leerkes, Van Os & Boersema, 2017; and Cleton & Chauvin, 2020). DeBono, Rönnqvist and Magnusson (2015, p. 18) propose that it is more appropriate to speak of a 'voluntary-forced spectrum', and explain their position as follows: 'Policies for the return to their origin countries of irregular migrants consist of both "voluntary" and "forced" returns. The former term makes reference to the return of migrants who have shown a willingness to cooperate with the state in their forced return. The spectrum of people taking this option can be quite wide: from those who are willing to return back to their country of origin or to a third country, to those who realise that, in the absence of alternatives, they have no choice but to accept the option.' It should be added that there also are meaningful differences in the forcedness of 'forced returns' on that voluntary-forced spectrum: some forced returnees decide to cooperate with the authorities while being detained (such as by disclosing their nationality and identity), because they more-or-less recognise that they cannot stay in the country of the detaining state (see for example Van Alphen et al., 2013; Lietaert, Broekaert, & Derluyn 2015; and Leerkes & Kox, 2017)). 'Forced return' is hence also used as a shorthand, however conceptually flawed the term is.

⁷ IOM also facilitates the assisted returns of persons who decide to return without first having received a return decision, such as certain asylum residence permit holders or irregular migrants who have never applied for asylum and have not been apprehended because of irregular stay (e.g., undocumented domestic workers).

relationships between civil servants that are both embedded in, and partly construct, these international relations.

1.4 Structure of the report

In the next chapter, we first report the findings for the Netherlands, followed by a presentation of the findings for Norway in Chapter 3. In Chapter 4, we answer the two research questions, and reflect on the question of whether or not Norway and the Netherlands can potentially learn from each other, or from other EU+ countries, with regards to the implementation of enforced return.

2 Enforced return from the Netherlands

2.1 Background: Dutch return policies

Central to the Dutch return policy is that rejected asylum seekers and migrants who do not (any longer) have legal stay are required to leave the Netherlands (ACVZ, 2005; DT&V, 2020).⁸ The Dutch government holds that migrants themselves, rather than the Dutch state, are responsible for returning to their country of origin or a third country. 'Assisted return' – in the Dutch context referred to as 'independent return' – is thus prioritised. Upon migrants' request, these returns can be facilitated by IOM Netherlands⁹, while the possibility of forced return – the route taken when someone is not willing to return through an assisted return programme – is seen as a way of encouraging more voluntary forms of return. Nevertheless, both assisted and forced return are regarded as important to invest in. With regards to relationships with authorities in countries of origin, the Netherlands follows a so-called strategic country approach. This approach prioritises certain countries of origin to improve cooperation on return by 'controlled escalation and de-escalation', following the principle of 'more for more, less for less' (*Kamerstukken II 2019/20*, 19 637, no. 2540, p. 6). Among other things, this entails using visas, development assistance, and other policy instruments to strengthen the willingness of origin country authorities to take back their nationals. Next to this, the Dutch policy emphasises the importance of a European-wide approach when it comes to concluding return and re-admission arrangements (*ibid.*).

In 2007, different return tasks were clustered into one organisation called the Dutch Repatriation and Departure Service (DT&V), which has coordinated the implementation of the Dutch return policy ever since (DT&V, 2020). Although the return process is more clustered, the DT&V still relies on close collaboration with partner organisations within the so-called Dutch migration chain. In its caseload, the DT&V mainly receives the files of those foreign nationals who are not (any longer) entitled to legal residence through one of its partners, the Immigration and Naturalisation Service (IND), which assesses all residence applications for legal stay in the Netherlands. Sometimes, the Royal Netherlands Marechaussee (Kmar) and the police also refer casefiles to the DT&V, or foreign nationals themselves contact the DT&V (the latter two happen less often) (DT&V, 2021)¹⁰. A case manager from DT&V has conversations with the person and tries to motivate them to return voluntarily. If someone does not want to return through assisted return, the DT&V can proceed to organise forced return. In case the person does cooperate with assisted return, he/she can request IOM to start the process for assisted return (called Assisted Voluntary Return). In the case of assisted return, return and re-integration assistance is provided via the Return and Emigration Assistance from the Netherlands (REAN) programme. In addition, a foreign national may be eligible for re-integration assistance from IOM or NGOs subsidised by DT&V (DT&V, 2021). Lastly, there are possibilities for re-integration assistance within the framework of European Return and Re-integration Network (ERRIN), which provides limited support also to persons forcibly returned.¹¹

⁸ Also see *Kamerstukken II 2019/20*, 19 637, no. 2540.

⁹ As well as in some instances by the DT&V itself (personal communication DT&V, 15 July 2022).

¹⁰ The DT&V may also receive cases from municipalities (personal communication DT&V, 15 July 2022).

¹¹ For more information see [Ondersteuning na gedwongen vertrek | Ondersteuning bij terugkeer | Dienst Terugkeer en Vertrek](#), last accessed 19 July 2022.

2.2 Returns to Afghanistan, Iran, and Iraq

Although EU Member States prioritise and encourage the assisted return of people who no longer have a legal right to stay, previous research has shown that the willingness to return to countries such as Afghanistan, Iran, and Iraq is generally low (Leerkes et al., 2016).¹² To realise return, then, Member States largely depend on forced return.¹³ The DT&V respondents indicate that it is generally harder to implement forced return to the Middle East and South Asia than to some other regions, such as the Balkans. Looking at Afghanistan, Iraq, and Iran specifically, according to the respondents, the numbers for Afghanistan are the highest (although they still consider these as 'low'), while forced return to Iran is almost non-existent as the Iranian authorities do not collaborate on forced return at all. Collaboration with Iraq is limited, but relatively incidental forced returns do occur. The DT&V can present people to the respective ambassadors to establish their nationality and, if needed, identity, but the embassies often do not issue travel documents if their citizens indicate that they do not want to return. Thus, for non-EU+ countries, the migrant's wish to return is an important condition for collaboration in implementing return. The implementation of forced return to Afghanistan and, to a lesser degree, Iraq, was also reported to be easier than to Iran because the DT&V could make use of what is called an *EU staat* in addition to the *laissez passers*. The *EU staat* is a travel document drafted by the DT&V and does not have to be signed by a representative of the authorities receiving the returnee. The picture for more voluntary returns is different: when certain (administrative) conditions are met, all three non-EU+ countries in this study – including Iran and Iraq – do collaborate with IOM in issuing travel documents. It should be mentioned that our respondents were describing the situation before the Taliban regained power in 2021.

2.3 Intergovernmental strategies to promote return

Based on the interviews, we identified several intergovernmental strategies to effect enforced return. The strategies are partly overlapping and closely related to each other: (1) *rule creation*; (2) *offering re-integration assistance*; (3) *goodwill production*; and (4) *institutional pragmatism*.

Rule creation, the first strategy, refers to concluding bilateral or EU-wide return frameworks with non-EU+ countries as a basis for collaboration. Offering re-integration assistance, the second strategy, decreases the costs of return. Although this strategy will be discussed separately, it might be considered a component of goodwill production, since it increases the willingness of countries of origin to

¹² Nevertheless, there have been considerable assisted returns to Iraq from some years in relation to favourable political and economic developments in the Kurdish region after Saddam Hussein was removed from power in 2001 (Leerkes et al., 2014).

¹³ Unfortunately, the DT&V, which provides data on enforced return to Eurostat, does not distinguish between forced and assisted returns. It also does not specify whether returns concerned the country of citizenship or another non-EU+ country ('third country'). The Eurostat data (which should be interpreted with great caution, as argued by Maliepaard et al., 2022) show that, on average, the Netherlands issued 730 return decisions to Afghans annually in the 2014-2019 period, and that the number of Afghans returning 'to a third country' represented 29% of the return decisions in the same period. For Iran, these figures are 573 and 46% and for Iraq 788 and 62%. The number of forced and assisted returns to Afghanistan, Iran, and Iraq will be lower than the percentages mentioned above as the returns also include returns to other non-EU+ countries (e.g., Turkey or Bosnia). The relatively high return rate for Iraq includes a relatively high number of returns (probably assisted returns) in 2016. In that year, there was a substantial number of asylum seekers from Iraq who were still in the procedure and had not received a return decision. They wanted to return because they were disappointed by their migration experience, partly because of the asylum procedure and because it took longer than expected to discover whether the government would permit family reunification. See *Volkskrant*, March 8 2016: <https://www.volkskrant.nl/nieuws-achtergrond/steeds-meer-irakezen-annuleren-asielverzoek-en-reizen-terug~b2c055de/>.

collaborate on enforced return. We will discuss goodwill, the third strategy, as being produced by the development and maintenance of good personal relationships, and by the framing of returns in certain ways. The final strategy, institutional pragmatism, pertains to the willingness on the part of Dutch civil servants to be flexible in how forced return is organised (such as by also providing assistance for forced return, and by dealing directly with authorities in the origin country – instead of the embassies and consulates – to obtain *laissez passers*).

Rule creation

The first strategy that is used to promote return consists of attempts to conclude return frameworks and refer to them during return procedures. These frameworks can be considered as a form of rule creation and provide a basis for collaboration on the realisation of return, which the DT&V respondents regard as the goal of their work. Frameworks may be binding or non-binding, also depending on the wishes of the non-EU+ country; the DT&V respondents indicate that every country of origin requires a different, tailor-made approach. Most important is that frameworks are not just a 'dead letter' but actually work in practice. This demonstrates a result-oriented, pragmatic attitude. It may be that some countries of origin do not want to generate public attention and therefore prefer more 'informal' work arrangements at the operational level instead of formal or binding re-admission agreements. Respondents explain that at the diplomatic level it may take longer to conclude written return frameworks. While they indicate that a return framework, including the more 'informal' frameworks such as a Memorandum of Understanding (MoU), may facilitate return, they also indicated that returns also take place in the absence of such frameworks (the Netherlands does not have bilateral or EU-wide return frameworks with Iran and Iraq).

The respondents indicate that concluding return frameworks had mainly aided in effecting return in the case of Afghanistan; they refer to the MoU that the UNHCR helped conclude with Afghanistan (the MoU has been in force since 2003, not to be confused with the 2016 EU-Afghanistan 'Joint Way Forward'). One respondent brings forward that this may be because Afghanistan may see the return framework as being part of a broader international collaboration on asylum migration with the UNHCR (the MoU was signed after the Taliban were forcefully removed from power in 2001). Although the Joint Way Forward – the EU-wide non-binding framework with Afghanistan – has been in place since 2016, the Netherlands continued to refer to the MoU when returning Afghan nationals. The reason the respondents gave is that the earlier bilateral cooperation worked rather well, and they did not know how collaborating under the EU-wide framework would work out. They did not want to take the risk of jeopardising returns.

In the cases of Iran and Iraq, rule creation on their part and other interests means that the strategy of concluding return frameworks with these countries is currently not possible for the Netherlands. In the case of Iran, there is no collaboration on forced return, and no return frameworks between the Netherlands and Iran exist. In Iran is currently no openness to dialogue nor negotiation on this matter. Respondents explain that, according to the Iranian Constitution, every Iranian national has the right to reside in any country in the world, regardless of whether this is allowed by the respective country.

Much like Iran, Iraq does not currently collaborate on forced return and does not have an interest in doing so. One of the respondents explains that cooperating with forced return is not attractive electorally, since there is a high unemployment rate, and many

people have family members in Europe who send money. Moreover, political elites are not impressed by the offering of financial support and projects to assist with return. According to the respondents, Iraqi authorities provide security arguments as reasons for non-cooperation: Iraqis who return may carry out (terrorist) attacks, and the country is deemed not safe enough for people to return. Importantly, one of our respondents mentions that non-cooperation does not have any severe consequences for the relationship with the Netherlands. Various respondents feel that the Dutch government prioritises other aspects of bilateral relations – trade, and cooperation on counter-terrorism – over collaboration on forced returns. Moreover, because of its oil reserves, Iraq is not dependent on EU money for rebuilding the country.

Offering re-integration assistance

The Netherlands, much like other countries, aims to decrease the costs of return by financing Assisted Voluntary Return programmes implemented by IOM. Additionally, it provides certain categories of returnees with re-integration assistance via IOM or other NGOs. For a returnee to receive re-integration assistance, certain additional criteria must be met (e.g., being a national from a certain country). The budget of re-integration assistance for adults is € 1,800, and for minors € 2,800. A maximum of € 300 can be given in cash; the rest is given in-kind on the basis of a re-integration plan formulated with the help of an IOM counsellor.¹⁴

According to the IOM respondents, countries of origin do see the importance of re-integration and appreciate the care taken by IOM to make sure that returnees are able to re-integrate reasonably well. Whether someone can successfully re-integrate in their country of origin depends on several factors, among them the specific region someone returns to and the existence of (family) networks to re-join. This latter factor is especially important in Iraq according to the respondents (see also Paasche, 2016). They report that for Iraqi returnees the assistance significantly contributes to their re-integration. They can invest the money in existing family businesses, for example. Moreover, in Iraq, returnees are considered to receive comparatively good follow-up from the implementing partners on the ground. Iranian returnees, who in general are more highly educated, mainly use the re-integration assistance to pay rent.

Another aspect of re-integration IOM respondents bring forward is the attention they give to the personal circumstances of returnees and consequences for those in the country of origin. An example one respondent gives is that of a father who wants to return with the children, but the mother does not, in which case IOM will have conversations with both mother and father to see how the guardianship of the children is arranged and how the interest of the children can be taken into consideration.

The DT&V respondents also indicate that re-integration assistance is not limited to assisted return; it may also be used for forced return on a more discretionary basis. One respondent gives the example of a forced returnee who wanted to be a barber in his country of origin, so DT&V paid a few months' rent and bought equipment to start the business. Thus, the strategy is not to just give 'pocket money'. According to the DT&V respondents, offering re-integration assistance to people in the case of forced return – which is limited and not part of the standard procedure¹⁵ – can be decisive for

¹⁴ Retrieved from [Wat is herintegratieondersteuning? - IOM Nederland \(iom-nederland.nl\)](https://www.iom-nederland.nl/wat-is-herintegratieondersteuning), last accessed 12 July 2022.

¹⁵ See the website of DT&V: [Ondersteuning na gedwongen vertrek | Ondersteuning bij terugkeer | Dienst Terugkeer en Vertrek](#), last accessed 22 June 2022.

the willingness of origin countries' authorities to cooperate, because it creates goodwill on the part of the non-EU+ country. This is discussed in the following sub-section.

Goodwill production

Building relationships

The respondents working at DT&V stress that good interpersonal relationships are very important for realising forced return, and the IOM respondents similarly indicate that good interpersonal relationships facilitate assisted return. In the case of forced return, it is especially important because of the dependence on the willingness of the origin countries to take back their nationals. As could already be read regarding return frameworks, the implementation of such a framework is what matters most for the DT&V. In the end, return happens at the operational level; it is important to know 'who will remove the barrier' (i.e., who will decide that a prospective returnee may be re-admitted – for example, the ambassador, authorities at certain ministries, or border authority employees in the origin countries) and to have a good relationship with these people.

Building relationships requires much time and effort. The respondents bring forward that the authorities of most countries of origin are not very interested in talking about forced return of their nationals; such returns are mainly seen as serving Dutch interests. Some of the respondents thus explain that offering something 'in return for return' is important for cultivating a favourable attitude and thereby producing goodwill. According to one respondent, concrete compensation is what countries of origin expect; it is 'give and take'. Examples of what the Netherlands offers in this regard are training police forces in migration management, and the sharing of document recognition software. One Dutch respondent claims that Norway invests considerably in countries of origin, while the Netherlands does not, but it is unclear whether that is indeed the case. Visa liberalisation may also be offered, but the Netherlands is more restrained in that because the European Commission leads on dialogues about Schengen visas.

Although DT&V executes forced return, respondents mention that they organise introductory meetings with ambassadors and consuls, informing them about the mission statement of the DT&V, which is to assist people in returning on their own. They also try to make the point that assisted return is the best option for all parties involved – thus emphasising a shared interest.

Another more strategic aspect of building relationships is to try to make sure that the topic of return is repeatedly addressed at intergovernmental meetings at different levels. During these meetings, respondents try to embed the topic in other collaborative frameworks or the broader relationship with a country of origin. So, although the DT&V is mainly in contact with its operational counterparts in the country of origin, they also have contact with, for example, the responsible minister there. They also keep contact with the ministry of Foreign Affairs of the Netherlands – which is active at the diplomatic level – to inform on working arrangements or to ask the Dutch minister of foreign affairs to address the subject of return during a diplomatic mission, for example. Moreover, the DT&V respondents work together with the Dutch representations in countries of origin. Looking at Norway, some respondents believe that because the entire return process is accommodated within one organisation, coordination is more time efficient.

As was already pointed out in the section on the 'rule creation' strategy, the DT&V respondents feel that other bilateral interests mainly voiced by the Ministry of Foreign Affairs – such as trade and intergovernmental cooperation on jihadism – are currently given more weight than return, and return is thus not given enough priority. In their view, more conditionality could be implemented in the relationship, for example by linking development assistance money and projects to the commitment of the countries of origin to take back their nationals.¹⁶ According to the respondents, such an approach would strengthen the position of the Netherlands. Related to this, in the view of one respondent, it would perhaps be more effective to pool strengths in Europe and improve the collaboration at the EU-level.

The respondents indicate that it is important to have knowledge about whom exactly you should contact when effecting forced return at the operational level. In the cases of Afghanistan and Iraq, arrangements were sometimes made directly with actors in the countries of origin. Moreover, regarding Iraq, DT&V had 'good contact' with the people at the airport responsible for deciding whether someone could enter the country or not. These are also important contacts to have for implementing returns. Respondents sometimes observe Dutch law and regulations as hindering their work; for example, some means of communication that are widely used by public officials in certain countries of origin, such as WhatsApp, are forbidden for public officials under Dutch regulations. Respondents express that this sometimes puts them in a difficult position, since effective relationship management may require a degree of 'informality' that is not legally allowed. Another challenge mentioned by some DT&V respondents, which is related to the importance of building personal relationships for effective relationship management, is that the specific people in different positions may change over time. This also includes positions within the Dutch representation in the different countries of origin. When such changes occur, relationships must be built and developed again. One respondent gives the example of the change of minister of internal affairs in the Kurdish region of Iraq leading to the cancellation of certain working arrangements.

But the question of how to develop and maintain 'good contact' remains. This question points to the nature of and interactions within a relationship. Respondents point out that countries of origin know the DT&V is dependent on their agreement for returning people and that they have a more powerful position, and that the countries want to be treated accordingly. Respondents emphasise the importance of personal attention and direct, face-to-face contact, for building trust. They try to act in a culturally sensitive way, by giving sufficient attention to the culture of a country. One respondent also indicates that he does not immediately talk about return, which is an 'unpopular topic', during the first few meetings, in order to slowly build up the relationship.

The IOM respondents similarly emphasise the importance of building good interpersonal relationships, both with migrants and with the authorities of their countries of citizenship, which in the case of IOM Netherlands mostly means the personnel of embassies and consulates in the Netherlands. Although it is easier to realise assisted return – as authorities in origin countries are more willing to take back nationals who express their willingness to return voluntarily – relationship management is also considered necessary for producing goodwill and ensuring that

¹⁶ As can be read on the website of the DT&V, 'such an integral approach of return is only possible with the active effort from all ministries', which is why it is frequently addressed during the council of ministers. Retrieved from [Internationale relaties | Over DT&V | Dienst Terugkeer en Vertrek](#), last accessed 21 June 2022.

administrative processes run smoothly and travel documents are issued punctually. As one respondent from IOM explains, in the past, the issuing of travel documents by embassies did not always go as fast and smoothly as nowadays; since then, IOM has invested considerably in relationships with countries of origin. One respondent from IOM explains the importance of dialogue – also at a personal level – and respect for and adaptation to the culture of the country. For example, they adapt their clothing in certain meetings and show an interest in the country (for example by referring to a trip as a tourist). Furthermore, they do not only ‘focus on obtaining results’. This means that IOM does not only have meetings on the topic of return but also attends social events such as receptions, lunches, and other activities. Related to this, despite not being typical of Dutch way of working, one DT&V respondent notes that, according to their contacts in non-EU+ countries, receiving delegations from origin countries and spending time with them in a more informal way is something that would work well.

The IOM respondents also indicate that it is easier to build good relationships with the embassies if not all contact is about return. They report for instance that the introduction of the CD4D programme has helped to promote good interpersonal relationships and create more goodwill. CD4D makes it possible for people with an Iraqi and, in the past, Afghan background who have a Dutch permanent residence permit or have become Dutch citizens, to temporarily return to their country of origin to contribute to the development of that country.¹⁷ According to IOM, this helps produce goodwill as it shows that the organisation is also involved in activities that benefit the non-EU+ countries.

Framing

Within relationship management, framing is used to promote goodwill by depicting return – and one’s involvement in it – in a relatively favourable and socially acceptable light. This is done by emphasising the efforts to facilitate re-integration for both forced and assisted returns; by mentioning that the Netherlands is not only oriented at return since it also gives residence permits to a significant number of asylum seekers; by arguing that return numbers are relatively low; and by communicating that one understands that (forced) returns, while necessary, are unpleasant for the returnees and possibly also for the country of return. IOM finds it important to spread the image that it does not represent the Dutch government. Programmes like the CD4D help IOM to position itself as being an international organisation focused on different aspects of migration, and not just facilitating programmes of Assisted Voluntary Return.

Institutional pragmatism

Finally, we observed what we have termed institutional pragmatism, which pertains to a willingness on the part of the DT&V to organise returns in different ways, as long as return ensues. The possibilities for this are partly dependent on the contacts and relationships with countries of origin, which were discussed in the previous paragraph. An example of institutional pragmatism is when the DT&V sometimes bypasses the embassies and consulates that they normally contact to provide *laissez passers*, and has direct contact with the authorities in the non-EU+ country. Such bypassing occurs in a more incidental and a more structural manner. On occasion, the Dutch authorities are able to obtain travel documents directly from the authorities in the country of origin. With Afghanistan in particular (and Iraq for a certain period), a more institutionalised arrangement existed that allowed the Dutch authorities to return persons on the basis of an *EU staat* – a document they are able to sign themselves if they believe that the nationality of the returnee is clear and if they have not received a

¹⁷ The program currently also exists for Nigeria and Somalia.

reply from the embassy after a certain time period. According to the respondents who mention these practices, these ways to organise returns might have certain advantages for the authorities of the country of origin. The respondents feel that it is difficult for embassies to collaborate on forced returns as the embassy personnel are part of a diaspora in the Netherlands who may particularly advocate against forced return. They also hypothesise that the possibility of not having to sign a *laissez passer* allows civil servants in the re-admitting country to present the return as mainly the responsibility of the European state rather than the readmitting state.

2.4 Conclusion

The fieldwork for the Netherlands indicates that the Dutch government experiences considerable difficulties in implementing enforced return to Afghanistan, Iran, and Iraq, especially when it concerns forced return. Forced return to Afghanistan nonetheless seems to be somewhat easier to implement (the respondents described the situation before the Taliban regained power in 2021) than forced returns to Iraq and, even more so, Iran.

According to the respondents, the low numbers of forced returns are a consequence of a lack of interest on the part of migrants to return to these countries, but also, relatedly, of a lack of interest to receive returnees on the part of the three states, both because of economic factors (e.g., loss of remittances, unemployment) and more legal and social factors. Cooperation on forced return in particular is politically sensitive in these countries. Specific laws in Iran are said to forbid the re-admission of emigrants who do not want to return. In Iraq, and to some extent Afghanistan, there is a more general unwillingness to re-admit.

The DT&V has developed different strategies with regards to the authorities of the non-EU+ countries – we could call these strategies ‘intergovernmental return strategies’ – to still achieve some measure of enforced return. The strategies include *rule creation, offering re-integration assistance, goodwill creation* – which also involves *building relationships* and *framing* – and *institutional pragmatism*.

The Dutch interviews indicate that the Netherlands is dependent on the willingness of non-EU+ countries to take back their nationals, and that goodwill creation seems especially to be an important strategy, at least in relation to the three selected non-EU+ countries (however, all strategies partly overlap and are closely related to one another). Written agreements or ‘understandings’ are believed to help, but their existence in themselves is not considered to be enough; in the end it is about the implementation of return decisions at the operational level. The frameworks mostly seem to be used to start the conversation about a case by ‘reminding’ the other party of the intergovernmental framework(s) under which returns are to occur, but they do not guarantee that *laissez passer* requests are granted (*laissez passers* may be obtained in the absence of a written framework, as indicated by the Iraq case). The Netherlands has an older bilateral framework and a newer EU-wide framework with Afghanistan, but interestingly only uses the former, as ‘it works well’. Indeed, finding out pragmatically ‘what works’, knowing the right people, and building relationships with them are also considered important. It could perhaps be said that the findings show that ‘soft power’ is very much part of making ‘forced return’ work. Nevertheless, what the interviews at the same time indicate is that the relationship with countries of origin may also involve ‘hard’ negotiations on what can be offered, on giving and

taking, and on conditionality. Importantly, every country of origin also seems to require a tailor-made approach, which may be easier to adopt bilaterally.

The DT&V respondents expressed some frustration about the difficulties that they experience in implementing enforced return to non-European countries of irregular migration in particular. They would like to see the Dutch government give this topic more weight in its intergovernmental relations. They have the impression that other interests (e.g., trade and international counter-terrorism cooperation) – mostly voiced by the Ministry of Foreign Affairs – prevent such prioritisation and the adoption of a tougher stance. While they believe that more returns would require greater priority being given to the topic of return in international relations, they also indicate that there is limited leverage over non-EU+ states like Iran and Iraq – states that are relatively independent from the Netherlands, and perhaps Europe more generally. The stronger dependence of the (former) Afghan government on international support in general, and the NATO countries in particular, may explain why forced returns to Afghanistan occur more frequently than to Iraq and Iran, and why the pre-2021 Afghan government also accepted returns on the basis of EU documents.

3 Enforced return from Norway

3.1 Background: Norwegian return policies

For the past two decades, Norwegian governments have regarded the return of third-country nationals without permission to stay – whether rejected asylum seekers, migrants who have committed a crime, or irregular migrants – as key to the credibility of their immigration and asylum system. Norway has run a series of assisted returns programmes since 2002, and consecutive governments have set ambitious yearly targets for forced returns since 2008 (Brekke, 2017). After a record number of asylum seekers came to Norway in 2015, return migration dominated the national migration agenda for some years before tapering off towards the end of the decade. One respondent also reports a major change in the public's understanding of the need for an effective return policy in this period:

Return is prioritised in a different way than before. As a tool in migration policy, it is a very different one than it was ten years ago. Ten years ago, return was a dirty business for people and NGOs. It's not anymore. It's different now. They understand the necessity. It's less common that I'm asked at parties by strangers how I can do this work.

As of 2021, years of low numbers of asylum seekers and Norway's major investments in return during the 2010s have both contributed to a relatively low number of unauthorised migrants facing expulsion orders. Yet the operational complexity of returning them poses a challenge for Norwegian immigration law enforcement. Put simply, the number of those ordered to leave is low but the difficulty of returning them is high, for reasons to be outlined below. 'In 2015, there used to be 15,000 ordered to return, for a while. Now we have so few, last time I checked there were 700 ordered to return in reception centres. (...)'. However, the current predicament is not a matter of volume, but of target group. Respondents describe the target demographic as being dominated by those with longer stays, mental health issues, unknown IDs, and often complex family situations in Norway. This is also a matter of institutional learning. 'Now there is less volume, more tricky cases. A consequence is that it is more difficult to see what works, less space for institutional learning, [for instance in terms of the timing and nature of return counselling and motivational interviews].' Stimulating assisted return, our respondents report, is becoming progressively more difficult. 'We define "long-term stay" as more than three years since arrival, but we know that, let's say, two years after a negative decision by the appeals body it gets increasingly difficult to motivate for AR.'

Effecting large-scale returns from Norway has always posed a challenge. Most registered returns are forced, rising from 85 percent of all returns in 2016 to more than 95 percent in 2019, the last year before additional return challenges arose due to the pandemic. However, many of the returnees during this year were of European (e.g., Russian) origin, and only nine percent of the forced returns from Norway in 2019 were rejected asylum seekers.¹⁸ As in other EU+ states, removing rejected asylum

¹⁸ Of the 4157 forced returns from Norway in 2019, 358 were rejected asylum seekers, many of whom were returned to Dublin countries. (<https://www.politiet.no/globalassets/04-aktuelt-tall-og-fakta/uttransporteringer/engelsk/yearly-figures-2012-21/forced-returns-from-norway-in-2019.pdf>). The numbers of assisted returns to our case countries in 2020 were also modest, with four assisted returns

seekers is crucial to the credibility of Norway's asylum system, but it is very difficult: tough conditions in the top sending countries, such as Afghanistan and Iraq, hinder forced returns and create few incentives for their nationals to return voluntarily. In turn, this creates a diplomatic conundrum, as embassies are generally more eager to cooperate on assisted than forced return.

Different ways to encourage return have been tested in Norway, including intergovernmental return frameworks, policies designed to deter new arrivals and encourage assisted returns (such as restrictions on family reunification), and return and re-integration programmes. In Norway, three return frameworks with major sending countries of asylum seekers – Afghanistan, Iraq, and Ethiopia – have attracted the most media attention. Different aspects of the frameworks have been criticised by Norwegian media, focusing mainly on possible undue pressure being put on the sending countries, the strategic use of development aid as part of the return frameworks, lack of monitoring after return, and the question of whether the frameworks actually lead to more returns. Despite these criticisms, re-admission agreements continue to be seen by Norwegian authorities as core components in securing return migration.

Assisted returns also constitute a core element of Norwegian asylum and immigration policy. As in other EU+ states, Norway prefers assisted over forced return. Assisted return programmes – offering cash assistance as well as help for returnees with travel arrangements and documents – are seen as the softer, more humane version of forced returns, whilst also being less costly. While they used to be implemented exclusively by the International Organization for Migration (IOM), the Norwegian Directorate of Immigration (UDI) has over time experimented with other service providers. In Somalia and Morocco, the Danish Refugee Council has been a service-providing partner. In Afghanistan, after an external evaluation (Strand et al., 2016) and an auditing report by Deloitte suggested the likelihood of in-house corruption at IOM Kabul, re-integration services were for a while offered by a Kabul-based legal firm. Earlier this year, the European Training and Technology Centre (ETTC) took over from IOM as the service-provider for re-integration assistance. Domestically, too, some of the information and outreach services related to assisted return have been transferred from IOM Oslo to a consortium of NGOs. In short, the market for assisted return services has gone from being entirely cornered by IOM during the early 2000s to being diversified, although the UN agency remains by far the most important implementing partner and handles all applications for assisted return as well as all contact with the embassies representing origin states.

Forced returns have been far less researched. The so-called 'refugee crisis' of 2015 contributed to intensifying a political push towards more effective immigration law enforcement in the form of forced returns. One of the hallmarks of the mid-2010s in Norway was the introduction of public 'target numbers' for both forced and assisted returns. While the Directorate for Immigration openly resisted politicised target numbers, the Norwegian Police Immigration Services did not.

At the same time, Norwegian policymakers have a range of tools that may influence the rates of assisted returns. These include adjusting the conditions for potential returnees in the host country, highlighting the alternatives to assisted return – i.e., forced return – as well as return and re-integration support.

to Afghanistan, nine to Iraq, and twelve to Iran (<https://www.udi.no/statistikk-og-analyse/statistikk/assisterte-returer-etter-returland-og-returtype-2020/>).

Norway has invested heavily in external evaluations of programme implementation and service provision both before and after returns. Norway stands out for its investment in a solid evidence base for return policy, and has funded four external evaluation studies of re-integration assistance service provision and re-integration outcomes. One single-case studies evaluating the return programme to Afghanistan (Strand et al., 2008), one to Iraq (Strand et al., 2011), a comparative study of Kosovo, Afghanistan, Iraq, and Ethiopia (Strand et al., 2016), and a single-case study of Nigeria (Paasche et al., 2016). Several evaluations have also targeted domestic factors in Norway that affect return, including outreach and information (Bendixsen et al., 2014), abscondence from reception centres (Brekke, 2012), and pre-return qualification and capacity-building measures (Oslo Economics, 2014).

One evaluation of the work done in Norwegian reception centres to promote assisted return found that the frequency of visible forced returns and police presence in reception centres were among the measures that may be effective in motivating some migrants to consider assisted return (Brekke, 2015). However, this was less effective in motivating certain nationality groups, such as Somalis, who, during the years prior to the report, knew that they could not be forcibly returned. The same evaluation found that while return and re-integration programmes may facilitate and increase the *quality* of assisted returns, there is no clear-cut link to the *quantity* of such returns. Finally, the evaluation also highlighted several other low-cost factors that can improve and encourage assisted returns. These include: managing asylum-seekers' expectations about how likely it is for their application to be accepted and making the process more transparent and predictable for individual migrants.

3.2 Norway's return programmes to Afghanistan, Iran, and Iraq

Norway's assisted return programmes (see Table 1) represent a combination of country-specific programmes targeting specific national groups, a universal programme for other national groups, and a specific programme for those designated as 'vulnerable'. These programmes also represent the culmination of a willingness to experiment with the type and amount of re-integration assistance, notably the notion of graded assistance – rewarding those who enrol in assisted return before their given deadline with relatively more generous assistance, and sanctioning those who do not with relatively less generous assistance. This section provides a skeletal overview for the origin states considered in this report.¹⁹

Afghanistan

This programme is temporarily inoperative given the volatile situation in Afghanistan since the Taliban takeover in August 2021. Prior to that, key elements of the programme included:

- Those who apply before the order to leave was issued or before the given deadline, will be granted 15,000 NOK in cash, to be paid by IOM, transferred as one instalment upon arrival and another instalment three months afterwards.
- Those who apply after the deadline will be granted 13,000 NOK in cash by the IOM, transferred as one instalment upon arrival and another three months afterwards.

¹⁹ UDI homepage <https://www.udi.no/skal-soke/assistert-retur/assistert-retur-/?c=irn> (accessed 22 October 2021).

- All of those who return with the programme also receive 2,000 NOK upon arrival in Kabul, for a night at a hotel and any eventual onwards transportation to the final destination.

Iraq

This programme too, offers graded assistance. It is also more comprehensive than that for Afghanistan.

- Those who apply before the order to leave was issued or before the given deadline, will be granted 15,000 NOK in cash.
- Those who apply after the deadline will be granted 5,000 NOK.
- In-kind re-integration assistance is also offered here, of a value equivalent to 30,000 NOK. The in-kind assistance may include schooling, vocational training, assistance to establish a business, or similar, and is given upon return. Especially vulnerable persons can apply for the in-kind assistance to cover medical needs. These services and associated counselling are provided by the European Technology and Training Centre (ETTC), and covers all of Iraq. ETTC has offices in Baghdad, Basra, Erbil, Sulaymaniah, and Duhok.

Iran

- Those who apply before the order to leave was issued or before the given deadline, will be granted 15,000 NOK in cash.
- Those who apply after the deadline will be granted 5,000 NOK.

Table 1 Assisted return from Norway

Country	Country-specific programmes	Universal programme	Vulnerability-based programme
Afghanistan	X		X
Iraq	X		X
Iran		X	X
Most other origin states (exceptions include e.g., Morocco)		X	X

The three origin states considered here differ in terms of their formal or informal political stance on re-admission. Norway has signed re-admission agreements with more than 30 origin states. It has had a signed re-admission agreement with Iraq in force since 2009, and with Afghanistan since 2005. Both of these re-admission agreements have had periods when they worked well and periods when they did not work well, although assisted return has overall been far easier to implement than forced. With Iran, the situation has been more stable. The Iranian authorities, as a rule, resist any kind of forced return yet Iran offers its full consular services to those who sign up for assisted return.

In Norway, as in the Netherlands, the strategies mobilised to enact return are linked to realities both 'here' and 'there', in the host and origin state (as well as in the supranational space in between, inhabited by actors such as the IOM). It is important to note that strategies such as rule creation and offering re-integration assistance are linked to, and are partly derived from, several factors that are sometimes contained neatly within the nation-state box, and sometimes not. Such factors include the size of the migrant population, demographic characteristics at the group level, differences in

cultural perception across origin and host state, risk perceptions in the target group, and the availability of service-providers on the ground. The condensed and lightly edited narratives in Box 1 illustrate the diversity of considerations that must feed into Norwegian strategies.

Box 1 **What feeds into strategies? Demographic politics: Interview excerpts**

Afghanistan

'There are few Afghans in reception centres nowadays, around 20. Before, Norway had a lot of single men. Adult men who could be returned easily. When the target group is smaller, the returns are fewer. There is also a risk with some demographics, like unaccompanied minors and single women, that they are sent back to us. These are challenging cases. It used to be a problem that so many disappeared from reception centres when they were not granted asylum, but now roughly three quarters of Afghan asylum seekers get protection.'

Iran

'There is no formal return framework with Iran on returns, neither with Norway nor with the EU. Very few countries have an intergovernmental return framework with Iran. So, Iran has been an important priority for a long time. One single Iranian has been returned in 2021 as of May, while 112 have been ordered to leave. They are among the top three national groups ordered to leave in Norway. So, the challenge is that there is no written framework – although such frameworks do not always help. Forced return is a challenge because the Iranian embassy does not issue travel documents. This also affects uptake in assisted return, since the target group knows this. My general understanding is that national groups have a very high awareness of the risk of forced return. With Iran there has been stalemate on this for many, many years.'

Iraq

'Norway ordered 67 Iraqis to leave. Only one has returned in 2021 as of May, though there were four applications for assisted returns as well. It's a small group. Also, for this group, it's been challenging to carry out forced returns. It's challenging not only for us, but for several European countries. A re-admission agreement came into force in 2009, and a memorandum of understanding with the Kurdish Regional Government in 2018. Before that, Kurds were returned via Baghdad. We have an agreement with the European Training and Technology Centre (ETTC) in Iraq, which has seven offices across the country. This is partly to motivate return, but also to invest in re-integration programmes and signal that we wish to assist countries of origin. There has been almost a full stop in forced returns to Iraq recently. We've succeeded with getting a few forced returns to Iraq, but it takes a lot of effort.'

Goodwill is a key part of an effective return policy, and is aided by re-admission agreements and memorandums of understanding: 'They do help. In Iraq, the number of assisted returns increased dramatically. In Afghanistan, we have had a lower increase in forced return since the Memorandum of Understanding in 2005, but assisted return increased. (...)' Written agreements on re-admission are described as both reflective and constitutive of goodwill: 'Such a document does something with how we can work with assisted return. When cases are not clearcut it helps to have built relationships with those authorities. You have a document you can refer to. It changes the relationship. There is a different level of acceptance.' It is not only the

document itself and its legal implications that matter but its potential usage in the context of agenda-setting and cultivating a certain relationship.

Another example of Norway's network-oriented approach is evident in its annual Embassy Seminar in Oslo, an event co-organised by the IOM and the Norwegian Directorate for Immigration. At this event, embassies with diplomatic missions to Norway are invited, and while return is the overarching theme of the seminar, a quick glance at the agenda is enough to demonstrate that it is carefully developed to also include more general and less controversial issues linked to migration. As with return in general, creative measures are taken to frame the issue delicately and avoid political confrontations, while nonetheless putting return on the agenda.

3.3 Conclusion: effective returns, but how?

In general, informants suggest that return is in part a matter of luck – 'you need to meet the right people at the right moment' – but also a question of strategy. Part of this strategy is to boost the number of assisted returns, and enabling forced returns is seen as instrumental in this regard. Norway is said to stand out in terms of having a coordinated whole-of-government approach whereby police, civil society, and civil servants work together across multiple ministries and directorates, and in terms of having an evidence-driven return policy resulting from the significant investments in research and development. At the same time, the geographic position of Norway hampers the access of most asylum seekers but also means that those who arrive may be particularly motivated to stay, having crossed an entire continent to get there. Respondents seemed generally sceptical of the idea of issue linkage concerning aid, trade, or military ties as in the case of both Iraq and Afghanistan – and cooperation on re-admission. They did not suggest any direct link, whether prompted or not. Exactly what works, beyond good relations and networks, is yet to be determined.

The experts interviewed were reluctant to discuss forced return and emphasised that assisted return is the government's preferred strategy. While this is common to most EU+ Member States, one practical implication in Norway is that this accentuates the institutional divide between the organisation in charge of forced return (the police) and the organisation in charge of assisted return (UDI); the vast majority of forced returns in Norway are conducted by the police, yet the clear policy priority is assisted return. How this affects Norwegian return policy and how the input of the UDI and the police is weighted in the formulation of actual policy higher up the chain of command – in the Ministry of Justice and the Ministry of Foreign Affairs – is an interesting research question but beyond this study. In this sense, the reluctance of interviewees to offer data on forced return is in itself data, to the extent that such reluctance is rooted in Norway's bureaucratic compartmentalisation of return policy.

4 Conclusion

4.1 Research questions and main results

EU+ countries experience difficulties in enforcing return to various non-EU+ countries, including Afghanistan, Iran, and Iraq. These difficulties are also experienced by the Netherlands and Norway, despite both countries having relatively well-developed capacities to enforce return. In this study, we explored the experiences and strategies of the Dutch and Norwegian government with regards to enforced return to these three non-EU+ countries. The pilot also explored whether or not different EU+ countries – and potentially also receiving non-EU+ countries – can learn from the experiences of other countries with, and strategies on, enforced return from Europe. We asked two main research questions that we answer in this section.

What are the experiences of the Netherlands and Norway with regards to forced and assisted return to Afghanistan, Iran, and Iraq?

As expected, both Norway and the Netherlands experience considerable difficulties in returning migrants to Afghanistan, Iran, and Iraq, especially when irregular migrants do not want to return themselves, which is common. While forced returns are especially difficult to implement, both countries report somewhat higher levels of forced return to Afghanistan (prior to the Taliban's 2021 takeover) than to Iraq and especially than to Iran. While forced returns to Iraq occur only incidentally, they are virtually non-existent for Iran.

The Dutch interviews indicate that the low return rates are a consequence of a lack of willingness on the part of rejected asylum seekers and (other) irregular migrants to return to these countries, but also a lack of interest on the part of the receiving states to re-admit forced returnees. The respondents explained that this lack of interest is partly related to economic factors (e.g., loss of remittances, unemployment issues) but also to more legal, social, and political factors (cooperation on forced return is politically sensitive, and there are formal and informal norms in these countries that forbid (as in Iran), or at least disapprove of the re-admission of nationals who do not want to return).

What (inter)governmental strategies have the Netherlands and Norway developed with a view to effecting enforced return to Afghanistan, Iran, and Iraq?

We explored the approaches of both the Netherlands and Norway, but the precise focus for the Netherlands and Norway differed. The fieldwork for the Netherlands focused more explicitly on intergovernmental strategies, i.e., strategies aimed at improving collaboration with origin country authorities on enforced return. Some attention was paid to assisted return, but the focus was on forced return. The findings for Norway sketch a broader picture of the Norwegian return strategy – although some of the strategies identified in the Dutch case were also identified for Norway – and focus more on assisted returns.

For the Netherlands, we identified four partly overlapping strategies: (1) *rule creation*, (2) *offering re-integration assistance*, (3) *goodwill creation* (via building relationships and framing), and (4) *institutional pragmatism*.

The Dutch interviews indicate that goodwill creation seems to be an especially important strategy, at least in relation to the three non-EU+ countries. This is particularly true for forced returns, but this strategy is also employed in relation to more voluntary returns. According to the respondents, written intergovernmental return frameworks do help to enforce return, but they are no guarantee that returns will be implemented. Such frameworks are mostly used, it seems, to 'remind' the authorities during specific return procedures that there is general memoranda of understanding under which returns occur. The findings for Iraq also indicate that some forced returns also occur in the absence of intergovernmental return frameworks. The Netherlands has an older bilateral framework and a newer EU-wide framework with Afghanistan, but interestingly only uses the former, as 'it works well'. Indeed, pragmatically finding out 'what works', knowing the right people, and building relationships with them, are also considered important strategies. That Norway continues to invest efforts in making return to Iran possible, for instance, could be seen as a sign that it has not yet given up on finding out 'what works' in this particular context – that there is a code yet to be cracked. It could perhaps be said that these findings show that 'soft power' (Nye, 1990) is very much part of making 'forced return' work. Nevertheless, the interviews indicate at the same time that the relationship with countries of origin may also involve 'hard' negotiations on what can be offered, on giving and taking, and on conditionality.

The *institutional differentiation* between forced return and assisted, which was established in the 1970s (Andrijasevic & Walters, 2010), possibly constitutes an additional intergovernmental strategy to promote collaboration with non-EU+ countries on at least more voluntary forms of return. The distinction between forced and assisted return is an important pillar of the current European Return Directive, and states have developed different organisational structures for the two types of return: in the Netherlands, IOM and NGOs have been given the responsibility of facilitating more voluntary returns; DT&V is responsible for implementing forced return and is normally expected to refer the more voluntarily returning migrants to IOM or an NGO. It could be argued that such institutional differentiation also developed as a way for governments to efficiently cooperate on returns. When different organisations and persons approach non-EU+ countries' embassies regarding forced and more voluntary returns, it may be easier for the non-EU+ country to decide when it will cooperate (namely in case of 'voluntary return') and when it will be more hesitant to cooperate (in case of 'forced return'). Additionally, such institutional differentiation may make it easier for authorities of non-EU+ countries to argue – for instance in relation to domestic public opinion – that they mostly restrict their cooperation on enforced return to more voluntary returns, while the EU+ countries can more easily argue that prioritize 'voluntary' over 'forced' return, and are thus committed to upholding migrants' fundamental rights. Although we have not discussed institutional differentiation as a strategy in the empirical findings chapter – none of the respondents explicitly mentioned it – it is a well-known strategy of organisations responding to institutional complexity and tensions between different logics (see Greenwood et al., 2011). Additional research would be necessary to see whether institutional differentiation can indeed be regarded as a strategy, and whether the proposed mechanisms described here hold.

Some of the intergovernmental strategies that were identified for the Netherlands could also be observed for Norway, especially the attempts to develop binding or non-binding intergovernmental return frameworks ('rule creation') – which respondents also say increases goodwill – and the investments in re-integration assistance,

although it is less clear whether Norway also offers such assistance for forced return. It is not unlikely that other Dutch strategies to create goodwill, such as framing and institutional pragmatism, are also used by Norway, but this could not be firmly established from the Norwegian respondents. Such similarities can perhaps be expected. Representatives from Norway, the Netherlands, and other EU+ countries are active in various international forums where return policy is discussed, including for instance the European Migration Network, the various Frontex-initiated working groups, the ERRIN-network, and frequent IOM conferences, to name but a few. It is likely that such venues facilitate policy diffusion among EU+ countries, including the Netherlands and Norway, with a similar interest in enforcing returns. While different EU+ states diverge from one another in terms of the operational details, they also learn from each other, in more-or-less diffuse ways, about what leads to desired results, and what actions a liberal democracy can take in pursuit of return. However, Norway may still differ from the Netherlands in some ways. For example, Norway has strived – perhaps given its status as a non-EU state – to develop bilateral re-admission agreements, and has signed such agreements with more than 30 countries. Secondly, Norway has explicitly adopted a ‘whole-of-government’ approach as a stated objective, which is not the case for the Netherlands.²⁰

Respondents in both The Netherlands and Norway believe that each of the strategies mentioned is, to some extent, effective in promoting enforced returns, but they also say that interests on the part of migrants, the authorities of origin states, *and* the EU+ countries place limits on enforced return. The DT&V respondents in particular expressed some frustration about the difficulties that they experience in implementing returns, and indicate that a significant increase in forced returns would only be possible if the Dutch government gave more weight to enforced return in its relations with origin states. They are under the impression that other bilateral interests such as economic interests and international counter-terrorism cooperation – mainly emphasised by the Ministry of Foreign Affairs – currently prevent a greater prioritisation of and a tougher stance on this matter. At the same time, they explain that dependence on goodwill is also due to the Netherlands, and possibly even the EU as a whole, having limited ‘leverage’ over non-EU+ states like Iran and Iraq. The former Afghan government depended more strongly on international support, especially from NATO countries, which seems to explain why the Afghan government was more willing to allow forced returns. The former Afghan government accepted returns using EU documents, for example; these are signed by authorities of EU Member States, not the Afghan authorities.

4.2 Future research?

We believe that this pilot, though exploratory, has given illuminated the return strategies of the Netherlands and Norway, and has given more insight into how intergovernmental return strategies and intergovernmental relations more generally impact the implementation of enforced return. It clearly shows that much more is involved in enforced return than written return frameworks. The comparison between different non-EU+ countries also turned out to be useful; it is clear that such a comparative design helps identify relevant factors that explain variation in

²⁰ This was referred to by interviewees as a valid objective but also one that is difficult to reach. Norway has repeatedly been recognised by international organisations as working towards such cross-sectional collaboration (UN: <https://publicadministration.un.org/egovkb/Portals/egovkb/Documents/un/2012-Survey/Chapter-3-Taking-a-whole-of-government-approach.pdf>)

intergovernmental collaboration on return. Finally, this pilot has shown that it is possible to conduct public policy research on intergovernmental collaboration on enforced return without unduly harming the relationship between EU+ and non-EU+ countries. While certain findings may be politically sensitive, we feel that studies of this kind also have the potential to help create more mutual understanding about the position of the different host and origin states. This even holds, we hope, despite not having spoken to representatives from non-EU+ countries within this pilot.

The comparison between the Netherlands and Norway led to fewer concrete new insights for the Netherlands and Norway than we had hoped for. We nonetheless noted that the Dutch respondents were quite interested in learning more about Norway's 'whole-of-government approach'. While the Netherlands also tries to use such an approach, it seems to be less successful than in Norway. As was mentioned above, various Dutch respondents reported some tensions and disagreement between different parts of the Dutch government, especially between the Ministry of Justice and the Ministry of Foreign Affairs. Such inter-departmental differences also come up in the Norwegian context, but ministries and agencies have of late increased their efforts to secure a holistic approach on the issue of return and report that some progress has been made in recent years.²¹ The Norwegian respondents mostly expressed an interest in the CD4D programme of IOM Netherlands, which allows residence permit holders and naturalised Dutch citizens to temporarily return to their country of origin with a view to promoting its development (see Chapter 2).

We believe that more elaborate comparative studies – ideally including more EU+ and non-EU+ countries and fieldwork among relevant non-EU+ actors (e.g., authorities, NGOs) – would probably create more opportunities for mutual learning between EU+ countries, and possibly also between different non-EU+ countries. More elaborate comparative research could also support the efforts of the European Commission in harmonising return policies.²² The extraordinary rise of Frontex in the field of assisted return, for instance, could be better understood if we compare how different states make different use of the agency, and with differing outcomes (Paasche, 2021). Such comparative research would be especially productive for both policy learning and theory development if states made better internationally comparable quantitative data on enforced return available for research. Better data would allow researchers to identify interesting comparative cases with more precision, for example by identifying non-EU+ countries that receive different rates of enforced return from different EU+ countries. It is essential to identify such cases if we want to learn more about how international relations cause differential return rates. This would allow researchers to assess whether and how these factors are transferable to other EU+ and non-EU+ countries. The present study has only made a start in identifying the different intergovernmental strategies used by governments of EU+ countries; it does not give any direct information about the strategies of non-EU+ countries.

In this pilot, we also paid less explicit attention to the 'quality' of the intergovernmental strategies and their outcomes, in terms, for example, of migrants' fundamental rights, the impact of enforced returns on bilateral relations, and the extent to which enforced return occurs according to accepted principles of sound administration. It would be valuable to assess strategies along these dimensions. It is interesting to note that EU+ states apparently also have an interest in taking some

²¹ Other research in the Netherlands similarly found that organisations involved in enforced return express a need to have better contacts and to meet more frequently (ACVZ, 2021).

²² See e.g. [EU Strategy on voluntary return and reintegration: Q&A \(europa.eu\)](#), last accessed 19 July 2022.

responsibility for what happens after forced return, apart from the current prohibition of returning persons to persecution and/or to torture and degrading treatment (*non-refoulement*).²³ It could be argued that riskier strategies can similarly arise out of institutional pragmatism, mostly in relation to the building of personal networks and the reliance on goodwill. The combination of the need to develop strong personal relationships and a pragmatic attitude could lead civil servants to engage in undesirable practices of administration, especially when interacting with states with weaker institutions of governance. The use of EU documents, which reduces the responsibilities on the part of non-EU+ authorities to identify their nationals, may also raise concerns about transparency and accountability, and could come at some risk that persons are being returned to the wrong country. Finally, we can imagine that institutional pragmatism in the form of the occasional bypassing of embassies in enforced return procedures, poses certain risks for the bilateral relationships with the origin states concerned; it may lead to embassies feeling that they are being treated disrespectfully.

All in all, this exploratory pilot, while limited in scope, does indicate that comparative research can help generate new insights on the advantages, disadvantages, and limitations of different approaches in dealing with enforced return, and can help identify approaches that countries may want to adopt from each other. European countries certainly exchange information on these topics, both formally and informally, but it is uncommon to do so together with independent researchers. While it may be feared that the sensitive nature of enforced return precludes the involvement of researchers, it does have the added value that more systematic analyses can be conducted and that the subsequent insights can inform policy and public debate alike. Such research promises to help promote the accumulation of knowledge, and may facilitate a more informed and empirically based discussion on enforced returns.

²³ See e.g. <https://frontex.europa.eu/we-support/returns-and-reintegration/reintegration-assistance/>, last accessed 15 August 2022.

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Appendix 1 Case selection of relevant origin countries

Using Eurostat data, we made a selection of potentially relevant origin countries to research. For both the Netherlands and Norway, we first assessed the most significant origin countries of asylum seekers in the period 2014-2019, i.e. the top 20 in terms of first asylum requests, based on Eurostat figures. Subsequently, we ranked the 20 countries for the Netherlands and Norway respectively in terms of the number of return decisions that each EU+ country issued in the 2014-2019 period. We focused on source countries of (rejected) asylum because governmental registrations are better for these groups than for other categories of irregular migration (e.g., visa overstayers) and because the 'problem of FAO return' is the most pertinent for former asylum seekers, whose presence is relatively visible to EU+ authorities. It turned out that nine countries were among the top 20 origin countries for both the Netherlands and Norway in terms of numbers of applications and return decisions: Afghanistan, Albania, Eritrea, Iran, Iraq, Nigeria, Pakistan, Turkey, and Syria. Table A.1 gives the ranking of these countries for the Netherlands and Norway respectively on numbers of asylum applications and return decisions. The table also includes an average ranking for the four rankings (e.g., the score for Afghanistan of 3.3 is the average of 5, 5, 2 and 1). Afghanistan, Iraq, and Iran turned out to have the highest average ranking.

As a third selection criterion we also tried to select one or two non-EU+ countries where Norway seemed to have higher rates of enforced return than the Netherlands and vice versa. Unfortunately, we eventually had insufficient confidence that it was possible to identify such countries. It is possible that the Netherlands and Norway have more-or-less comparable rates of return, but it is also difficult to compare Eurostat return rates for different EU+ countries (see Maliepaard et al., 2022).

Table A1 R

	Afghanistan	Iraq	Iran	Syria	Albania	Turkey	Eritrea	Nigeria	Pakistan
Rank asylum applications NL	5	4	3	1	8	7	2	9	18
Rank return decisions NL	5	4	6	10	3	1	16	7	15
Rank asylum applications NO	2	4	5	1	10	7	3	12	11
Rank return decisions NO	1	2	6	10	5	12	8	4	7
Average rank	3.3	3.5	5.0	5.5	6.5	6.8	7.3	8.0	12.8

We looked at relative return rates using the 'deviation method' that we described in Maliepaard et al. (2022). Based on this method, Norway appears to be relatively more 'successful' in returns to Afghanistan than the Netherlands is, whereas for Iran and Iraq, the two countries seem to have comparable success (see also Leerkes and Van Houte (2011), who used the number of rejected asylum seekers rather than return decisions as the denominator to calculate return rates). We also considered two countries (Eritrea and Turkey) that seemed to meet the third selection criterion based on the deviation method: the Netherlands seemed to have higher return rates to Eritrea, while the return rate for Turkey seemed to be higher for Norway. These cases were not chosen because the Dutch and/or Norwegian authorities indicated that they were less interested in them. Both the Dutch and Norwegian authorities indicated that there are currently no efforts to return Eritreans to Eritrea, and the Dutch authorities preferred Afghanistan over Turkey, possibly because of certain sensitivities in Dutch-Turkish bilateral relations.²⁴ In the present pilot, we were therefore unable to establish whether there are real differences between the Netherlands and Norway in the rate of enforced return to Afghanistan, Iran, and Iraq, and, had we found such differences, what would explain them.

Table A2 indicates the average number of orders to leave and the return rate from the Netherlands and Norway to the three selected countries of origin, based on the period 2014-2019 (the Netherlands) and 2014-2017 (Norway).

TableA2 Numbers of ordered to leave and return rates to Afghanistan, Iran and Iraq

Country of origin	The Netherlands		Norway	
	Orders to leave	Return rate	Orders to leave	Return rate
Afghanistan	730	28.55	1,843.75	31.71
Iran	573.33	45.70	487.50	34.12
Iraq	788.33	62.23	766.25	18.26

Source: Eurostat, calculations WODC

²⁴ In 2017, the Dutch authorities did not allow a Turkish minister to attend a political rally in the Netherlands that the AKP party had organised on the occasion of the Turkish elections. Another minister, who was in Germany at the time, then tried to drive to the rally by car from Germany without asking the Dutch authorities for their permission to attend the rally. The latter minister was escorted back to Germany as an 'undesirable alien'. In recent years, the bilateral relationships have slowly been improving again. See: https://en.wikipedia.org/wiki/2017_Dutch%E2%80%93Turkish_diplomatic_incident#:~:text=The%20Netherlands%20barred%20the%20aircraft,ried%20to%20speak%20at%20rallies.

Appendix 2 Details on data collection and analysis

Topic list

The topic list used for both the Dutch and Norwegian interviews consisted of three main parts:

- 1 We asked the respondents to explain how they were involved in assisted and forced return to Afghanistan, Iran, and/or Iraq.
- 2 We asked the respondents to briefly characterise the experiences of the Netherlands and Norway with forced and assisted return to these countries.
- 3 We inquired about the strategies of the Netherlands and Norway to promote collaboration on forced and assisted return to the three focal countries, and whether the respondents felt that these strategies are effective in promoting return.

Data collection and analysis in the Netherlands

Between July and September 2021, we held two digital semi-structured interviews with four employees from DT&V, the Dutch Repatriation and Departure Service, and one interview with three employees from IOM, the International Organization for Migration. The interviews lasted between roughly 75 minutes and two hours.

Two senior advisors of the International Affairs Directorate (DIA) of DT&V, who are responsible for the three focal countries, were interviewed in one interview. The second interview was held with two employees at the operational level of the same directorate. These employees similarly focus on Afghanistan, Iran, and Iraq. All respondents have multiple years of experience working at DT&V, and some of them have worked in the policy field of migration for many more years. The three respondents from IOM are two managers – one managing relations with diplomatic representations, one managing re-integration-related matters – and one project assistant working on re-integration.

The interviews were recorded and transcribed. The interview reports were sent to the respondents to perform a factual check. The interview data were analysed by means of open coding; for some codes categories were created beforehand based on the research questions of the study. Additionally, analytical memos were used to maintain the thought process throughout the analysis. Examples of such categories are 'experiences Iraq', 'strategies to stimulate return', and 'comparison NL-NO'. Examples of codes are 'experiences MoU', 'offering something', 're-integration programmes', and 'returning on EU document'.

Data collection and analysis in Norway

In May and June 2021, four semi-structured interviews were used to map the Norwegian authorities' approach and practice with regard mainly to assisted return. One digital interview was conducted with three civil servants in key positions working on return within the Norwegian Directorate of Immigration (UDI). A second interview was conducted with the Norwegian Organization for Asylum Seekers (NOAS). Here we spoke with seasoned case handlers working on return and with a leader in a key position. We also interviewed a civil servant in a key international position within the UDI. Finally, we conducted a digital interview with a person knowledgeable on the situation of returns from Norway to Iran. The interviews lasted between one and one-and-a-half hours.

We took notes during the interviews, and these were then shared within the Norwegian research team. The interviews were recorded and transcribed. Analysis was conducted by the researchers by discussing the findings across the interview materials.

The WODC (Research and Documentation Centre) is the knowledge centre in the field of the Dutch Ministry of Justice and Security. The WODC carries out independent scientific research for policy and implementation purposes; it does so both by itself, and on the WODC's commission.

More information:

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