

## Summaries

*Justitiële verkenningen* (Judicial explorations) is published four times a year by the Research and Documentation Centre of the Dutch Ministry of Justice and Security in cooperation with Boom juridisch. Each issue focuses on a central theme related to judicial policy. The section Summaries contains abstracts of the internationally most relevant articles of each issue. The central theme of this issue (no. 2, 2022) is *Return migration: interests and perspectives*.

### **25 years of Dutch policy on returns. The fiction of a coherent immigration return policy**

*Huub Verbaten*

This article describes 25 years of Dutch measures to increase the effectiveness of immigration return policy. The preference under Dutch migration policy is for independent return by foreign nationals who are not allowed to remain. Forced return is seen as a necessary element of a consistent return policy. The strategic country approach assumes that the cooperation of countries of origin in forced return can be improved through the use of positive or negative incentives and good relations management. This article offers possible explanations as to why the Netherlands is struggling with third-country cooperation on forced returns. The Dutch strategic approach to migration has had hardly any results. It is therefore a fiction that a coherent return policy has been pursued. Countries of origin prefer not to enter into agreements because they benefit, for example, from remittances and also apply a strategic approach. The problems experienced by the Netherlands are not isolated, as most other destination countries of migrants in Europe experience exactly the same.

### **Return through legitimacy. Alternatives for deterrence policy for irregular migrants**

*Arjen Leerkes*

Policies that seek to limit unwanted migration – which include governmental efforts to promote the return of rejected asylum seekers and (other) irregular migrants – tend to depend on negative sanctions and deterrence. Such policies are known to come with various undesirable side effects, while their effectiveness is also questionable. In this con-

tribution, the author argues that paying more attention to the legitimacy of migration policies in the eyes of migrants and governments of source and transit countries of irregular migration, can be an alternative way to promote migrant return. He also shows that deterrence policies put pressure on how these actors perceive the legitimacy of migration policies, which suggests that ‘instrumental’ and ‘normative’ models of compliance can only be combined to some extent. The argument is based on various Dutch studies on migrant decisions and intergovernmental cooperation on return, and some evidence from the international literature on enforced return.

### **Individual responsibility for return: Looking for the limits**

*Christian Mommers*

The notion that it is a migrant’s ‘own responsibility’ to return if he or she can no longer stay in the Netherlands is one of the foundational principles of return policy. It is a crucial instrument for the government to deal with the many dilemmas that arise during return procedures. If this individual responsibility remains too broadly defined, however, it can have far-reaching implications for the human rights of the individual. It can also mask the responsibilities of other actors in the return procedure, notably those of the expelling government and the country of return. This article looks at two elements where the individual responsibility of migrants for return needs to be limited: in relation to the destinations to which he or she must try to return, and in terms of the actions he or she can and cannot be expected to take to seek readmission and obtain travel documents. The article concludes with a plea for a more nuanced and limited use of the notion of individual responsibility in return procedures.

### **Between coercion and compulsion. How return counsellors realize the ‘voluntary return’ of undocumented migrants**

*Laura Cleton*

European governments widely celebrate and extensively fund ‘voluntary return’ programmes and assume that return counsellors play a key role for their implementation. At the same time, these programmes rely on the cooperation of illegalized immigrants involved, whereas the latter are often reluctant to do so. In this article, the author therefore questions how much and what kind of agency individual counsellors exercise to overcome this fundamental conflict of

interest. Based on research conducted in the Netherlands, Belgium and Austria, the author conceptualizes counsellors' work as 'aspirations management' that mediates the desires, hopes and interest of precarious status migrants with the goals of governments seeking to return them. The author analytically distinguishes three fundamentally different counselling strategies: facilitating migrants' existing return aspirations, obtaining their compliance without inducing aspirations, and/or inducing aspirations for return. The author ends this article with critical reflections on the legitimacy and ethics of such aspirations management.

### **Working on return in immigration detention? A look at the working practices of return agents and their interactions with detainees**

*Lars Breuls*

Immigration officers are active in both Dutch and Belgian immigration detention centers. Their task is to contribute to the forced return of detained migrants without residence permits. There are, however, clear differences between the Netherlands and Belgium in terms of policy, organizational structure and prescribed tasks of these 'return agents'. This article describes these differences and shows how this leads to different working practices. The immigration officers in the Netherlands put more pressure on detainees in order to convince them to cooperate with their forced return. This mainly leads to more frustration among detainees. The social assistants in Belgium, however, state that working on return is difficult. They therefore make little or no attempt to persuade detainees to leave. Although this leads to a better living environment in the detention center, it does not alter the feelings of injustice experienced by detainees.

### **Victims, criminals or heroes? Male migrants in Senegal after return from Europe**

*Karliën Strijbosch*

In Senegal, migration can be both a stigma and a privilege; it can increase social standing, but also lead to stigmatization and suffering as a consequence of aborted migration trajectory. This article shows how Senegalese male migrants narrate and position themselves after they return to Senegal in reaction to diverse social expectations. The focus is on men who were deported from Europe or who lived there under threat of deportation before returning to Senegal voluntarily.

Based on ethnographic research in Senegal, the article shows how these returnees, despite numerous difficulties, narrate success post-return by engaging with masculine discourses of being a provider, protector and devout Muslim. Seeing return as temporary, silencing and relating themselves to dominant Senegalese masculine norms and successful migrants, regardless of the duration of return or whether it was voluntary, can enable returnees to conceive belonging to Senegalese society.