GENDER, VULNERABILITY, AND THE OBLIGATION TO RETURN: AN OVERVIEW OF RETURN ASSISTANCE TO 'REJECTED' ASYLUM SEEKERS IN THE NORDIC COUNTRIES

Tiina Kanninen

Tampere Peace Research Institute
Occasional Paper No. 98, 2010

tapri
Tampere Peace Research Institute
Sukupuolisensitiiviset paluun tukitoimet -hanke

EU Return Fund (RF)

ISBN 978-951-706-213-8
ISSN 0355-5577

LIST OF CONTENTS

LIST OF ACRONYMS

AGEF	the Association of Experts in the Field of Migration and Development Cooperation
AVR	Assisted Voluntary Return
AVRR	Assisted Voluntary Return and Reintegration
CCM	civilian crisis management
CEAS	Common European Asylum System
DEPA	deportee accompanied
DEPU	deportee unaccompanied
DRC	the Danish Refugee Council
EC	European Council
ECRE	European Council on Refugees and Exiles
EP	the European Parliament
EU	European Union
IDP	internally displaced person
INCOR	Information and Counselling project on Return and Repatriation (organised by the NRC in Norway)
IOM	International Organization for Migration
IRRANA	Information, Return and Reintegration of Afghan Nationals to Afghanistan
LIBE	European Parliament Committee on Civil Liberties, Justice and Home Affairs
MEP	Member of the European Parliament
Migri	the Finnish Migration Service
MIV	the Swedish Migration Board
NRC	the Norwegian Refugee Council
SIS	the Schengen Information System
UDI	the Norwegian Directorate of Immigration
UNHCR	United Nations High Commissioner for Refugees
VARP	Voluntary Assisted Return Program (in Norway)

1. INTRODUCTION

1.1. The aims of the study

This research report is part of a wider EU-funded project *Sukupuolisensitiiviset paluun tukitoimet haavoittuvassa asemassa oleville palaajille* [engl. *Gender-sensitive return assistance for vulnerable groups of returnees*]. The one and a half year long project was set up in July 2009, and the research is carried out in Tampere Peace Research Institute (Tapri) at the University of Tampere. The project's main source of funding is the European Union's Return Fund (RF), which is part of the EU's General Programme of Solidarity and Managament of Migration Flows (SOLID) nationally coordinated by the Finnish Ministry of the Interior.[1]

In the project as a whole as well as in this report, we focus on so called "rejected"[2] asylum seekers – that is, on asylum seekers whose *application* has been rejected, and who are obliged *or* forced to return to a third country outside the EU. The research thus involves both those "rejected" applicants, who choose to leave "voluntarily"[3] on their own initiative, with or without assistance, and those who refuse to return and are therefore being deported (forced to return). We will come back to the terminology of forced and "voluntary" or obligatory return below, in chapter 1.5.

Here, however, it need be noted that, in this report, more attention is paid to the so called "voluntary" returnees (those who choose to leave without enforcement by the police). This is because the aim of the report is to look for viable forms of return assistance on which to build a systematic return politics and, unfortunately, at present assistance tends to be offered to the "voluntary" returnees only. This, of course, does not mean that the implementation of forced returns should not be considered when developing just and responsible return politics.

The aim in this report is to outline the present return policies of the four Nordic countries of Finland, Sweden, Norway and Denmark[4]. This is done mainly in order to point out examples of how the first mentioned could develop its approach to the return of "rejected" asylum seekers – indeed, how Finland could learn from the experiences and approaches of the other three countries.

[1] What is argued in this report or other publications of the project does not represent the views of the European Union, or the Finnish Ministry of the Interior.
[2] We have used citation marks in the term "rejected" asylum seeker in this report. This is because we do not consider the person her/himself as being rejected, but rather her/his asylum application.
[3] Also the term "voluntary" return has citation marks. This is because we want to emphasise that the asylum seekers, whose applications have been rejected, are always *obliged* to return – the departure is never purely voluntary. We will return to this in chapter 1.5.
[4] Iceland is not included in the study, as the number of asylum seekers in the country remains low.

It has turned out to be a fruitful exercise to compare the Finnish approach to return with those of the other Nordic countries. In Finland, there seems not to exist a holistic politics of return, and the discussion thereof is still in its infancy[5]. In the other three countries, however, the question has received more systematic attention for years, and has hence been included in the general asylum debate. In this regard, the particular aim of this report is to uncover some of the "best practices" of return assistance in the countries studied – as well as point out practices that should not be followed. While addressing the Finnish return debate on their own terms, these findings are also to be utilised in the forthcoming research of our project.

Namely, a purpose of this report is to function as a basis for the research and analysis conducted later in the project. Given this specific goal, and the limitations of time and resources, the report is not meant to give an overall, holistic account of Nordic return policies, or their history. Rather, we wish to give examples of different forms of support given to asylum seekers at the moment of negative asylum decision, as well as of the ways in which asylum seekers are prepared for return and reintegration. The data for this report being collected in the course of a few months, and there being few existing evaluation reports on which to build, the analysis takes place on a policy level and the impacts or practicability of the policies can be only thinly assessed.

1.2. The study as part of a wider research project

As for the *wider goals of our project*, our aim is to produce information on the basis of which it is possible to develop the Finnish return policies *in a gender-sensitive manner and with a particular focus on vulnerable groups of returnees*. While the aim is primarily to develop return policies for Finland, the results can also be applied more widely in the EU.

Whereas this report focuses on reviewing the current return policies of the Nordic countries, the major part of the project as a whole will build on 50–60 non-structured narrative interviews. Here, the aim is to learn from the potential and actual returnees of *their* hopes, fears, and needs relating to return and its aftermath.

The interviewees will be individuals who are obliged or forced to return to Iraq or Afghanistan because of a negative asylum decision, and who are also considered as vulnerable

[5] This conclusion is drawn from interviews with Finnish experts and officials dealing with asylum and return and/or removal practices in Finland, as well as from a seminar held in Tampere on the topic of Finnish return politics. The interviews were conducted in September and October 2009, and the seminar was held in the University of Tampere 16 November 2009.

because of their gendered position in society (see Ch. 1.3.). A member of our team has started to collect the interview material already at the time this report was being written, and the interviews will be completed and analysed in the course of 2010. Based on this analysis, we will compile a set of "return scenarios" for particular groups of vulnerable returnees returning to Afghanistan and Iraq – e.g. to single women and/or mothers, sexual minorities, young boys/men and girls/women. In these scenarios, it will be outlined, what the conditions of return are experienced to be for and by these particular groups in the two countries, and how such individuals could be best supported before, during and after their return journey. As the scenarios are largely based on narrative interviews, their aim is also to provide authorities with information that derives from the focus group's lived experiences and hence their culturally embedded knowledge.

As hinted above, in the project, our main focus is on returns to Iraq and Afghanistan – and these two countries receive some specific attention also in this report. These two countries are chosen partly because a majority of asylum seekers arriving to Finland come from Iraq and Afghanistan – and negative decisions are regularly given – but also and especially because return to both the countries at present means a return to extremely insecure political situations, where additional support is required for sustainable reintegration to take place.

Return assistance being a potential tool to ethically justify negative asylum decisions, we are aware of the danger of our research to legitimise the EU's present asylum policies – that is, the danger to further strengthen the walls of the "fortress Europe". This, however, is certainly not our aim. Rather, we wish to realistically acknowledge that a large number of asylum seekers receive negative asylum decisions in Finland and elsewhere in Europe, with a consequence of having to return to extremely insecure political environments in third countries. Rather than simply opposing such decisions – which, in many cases, is certainly viable – we take the stand that these people need also concrete support when obliged to return. This is to say that in cases where people are eventually obliged to return to insecure futures, even the most fervent criticism of the negative decisions is not enough, but sustainable and just asylum politics will also require just and sustainable return politics, which hence need be developed.

1.3. The gender dimension

In the outset of the project, our main aim was to "gender-mainstream" the Finnish and Nordic return policies so as to develop the existing practices in a gender-sensitive manner; in other words,

we wanted to see, how the existing return policies influenced men and women, and to what extent their gendered positions were taken into due account *vis-à-vis* the assistance offered. However, it soon turned out that the present return practices are thus fragmented that it is a sheer impossibility to systematically gender-mainstream something one could call "return politics" – we simply do not have such *politics* to analyse. As this report will show, this is particularly the case for Finland. Thus, our aim has shifted from the gender-mainstreaming of existing policies to *gender-sensitive development of Finnish return politics in general*. Yet, this report will focus on reviewing the existing return policies of the Nordic countries on a relatively general level, and only suggests some tentative gender-analysis thereof in the end. This is mainly because the interviews conducted in the later phase of our project will form the main tool for us to understand the gendered positions involved in return processes – meaning that a more in-depth gender-analysis can only take place once the interview research is complete.

It need be noted, however, that while we regard gender as a social construction that creates and upholds particular kinds of patriarchal power relations, in our analysis gender is not to be read as an issue of women only. In fact, this is the presumption we wish to challenge in the project as a whole.

We wish to underline that gender marks complex "relations of power, privilege, and prestige informed by situated notions of maleness and femaleness" (Indra 1999, p. xiv), hence influencing the lives of each and every individual regardless of their sex. Furthermore, while gender – notions of maleness and femaleness – is a powerful factor in the organisation of social relations and particular vulnerabilities, it never operates on its own. Instead, the gendered positions of an individual always intersect with other organising principles – such as class, age, nationality, sexuality, religion, and so on – hence having different impacts on different men and women in any one situation (e.g. ibid., Hajdukowski-Ahmed *et al.* 2008, p. 216; Farrag 2009; also Crenshaw 2003).

Thus, when discussing return assistance in this report or attempting to define gender-sensitive return politics in the project as a whole, what we essentially try to do is to define the kind of approach that can best take into account the different kinds of gendered positions of returning individuals – be they women or men, girls or boys. It is true that for some their gendered position means a position of relative strength while for others it marks a position of extreme vulnerability. The task for our project is to look at questions of return through gender lenses, and define the

questions that need be asked so that gendered vulnerabilities of returnees can be traced and responded to in the processes of return assistance.

As mentioned above, the major part of this analysis will be based on interview research completed in the latter phase of the project. Here, the interviews will particularly focus on those groups of returnees, who are considered as vulnerable because of their gendered position in society. At this point – a few months into the project – we have defined such groups as (1) single women who may also be single mothers; (2) sexual minorities; (3) children and especially unaccompanied minors; (4) and young boys/men and girls/women who may have begun their journey as unaccompanied minors, but who at some point of the asylum process have become recorded and judged as adults.

It has already become clear that some of these groups – particularly that of unaccompanied minors – may not apply to a very large number of individuals when developing Finnish return policies to third countries. This is for the simple reason that the gendered vulnerability of unaccompanied minors, women in a vulnerable position, and sexual minorities is already relatively well accounted for in the asylum process, and they are normally provided asylum rather than returned to a *third country*[6]. And indeed this is how it should be.

From this point of view, however, the *largest* group in need of specific return assistance *because of their gender* may be that of *young men*: They have often begun their journeys at an early age, may have experienced the most horrific sexual and gender-based assaults before or during the journey, but at the age of 18 are no longer considered as vulnerable *because they are grown-up men.* In fact, being a young single male often makes it more likely that the asylum claim is rejected – simply because this profile also fits into "the typical profile of an economic migrant rather than someone genuinely fleeing persecution" (Bohmer & Shuman 2008, p. 222).

Research also shows that rapes, or other gender-based violence experienced by men is not recognised as sources of trauma among male refugees and asylum seekers as easily as similar experiences of women (Farrag 2009; Bohmer & Shuman 2008, p. 236; see also Shivakumaran 2005), and hence these kinds of gendered vulnerabilities of men in general are not easily addressed. This obviously means that the needs of gender-specific support for men in the asylum or return processes are not being traced efficiently, let alone responded to.

[6] The term "third country" is reiterated and emphasised here for a reason. Namely, although gendered vulnerabilities of women, children and sexual minorities are usually (not always) accounted for already in the asylum process, this does not apply to the Dublin protocol and hence to returns within the EU.

In addition, young male returnees also face threats that are not as prevalent to women or girls – such as forced recruitment – although this is an example where we again should not make too sex-specific generalisations, since women too, can be and constantly are recruited to the military.

However – the rejected asylum seekers in Europe very often being young men – we want to emphasise that it is important to ask, to what extent male returnees, and which ones of them, are vulnerable because of their gender. This of course does not mean that attention be turned away from the specific needs of returning single mothers, women, sexual minorities, or children; they still are in a vulnerable position because of their gender, and they too receive negative asylum decisions regularly – if perhaps less often than young heterosexual men.

What need be remembered is that gender is an extremely complex and, first of all, contextual concept, and hence the definition of vulnerable groups is never carved in stone. In the course of the project, we are prepared to challenge existing assumptions on gender where ever the research leads us to do so. At this point, it suffices to say that gender matters in return processes as much as elsewhere in society, and in sustainable return politics there is a *constant* need to ask who, from those being returned, is in a particularly vulnerable position because of her/his gender. While we will not be able to address this question adequately in this report, it is worth bearing in mind when reading forward.

1.4. On contents and method

The report proceeds in the following order. In the next chapter (Ch. 2), we will briefly review the so called "returns directive" that regulates the return and removal of third country nationals from within the Schengen area. Here, we will first summarise what the directive is about, and then look at some of the criticisms that it has received regarding its respect of human rights in general, and the rights of vulnerable groups in particular. Here, especially the views of United Nations refugee agency UNHCR and the European Council on Refugees and Exiles (ECRE) are taken into account[7].

[7] Of these, UNHCR is the most important international actor in the protection of refugees and other people forcibly displaced, while ECRE is an umbrella organisation of various European organisations working for the rights of refugees, asylum seekers and others displaced in Europe.

The returns directive is to be integrated in the national legislations by the end of 2010, and it therefore does not much show in the Nordic approaches reviewed in this report as of yet – nor does it show in our discussion of these national approaches. However, an understanding of the directive, its contents, and *especially* its criticism is important when thinking about the development of responsible and sustainable return politics. Following the views of both UNHCR and ECRE, we hold that a just and rights-based approach to questions of return needs to go well beyond the returns directive – as well as account for more just return practices within the EU itself.

In chapters four, five, six and seven then, we will turn to the national return policies of the four Nordic countries of Finland, Sweden, Norway, and Denmark. These chapters are not compiled in a uniform and hence fully comparable manner but, rather, we have tried to point out nationally specific practices in each of the cases.

In the Finnish case, this means largely the finding that Finland does not have a systematic approach to return; that questions of return in Finland belong a little bit for all the authorities involved in the asylum process yet *practically are of no one's business*. In chapter four, we will explain what this means in practice, as well as look at some of the reasons for why the Finnish return policies lag so much behind the other Nordic countries.

The situation in Finland may not be as dim as it seems, however. Namely, the debate on sustainable return policies has now begun also in Finland, and there are various initiatives at place. Given that the other Nordic countries have debated the same questions for over a decade now, as well as acted upon them, Finland does not have to start from the scratch but can learn from the best practices of others, while avoiding their mistakes. Furthermore, the gender perspective can now also be integrated in the Finnish politics of return from the very beginning of its development.

In the Swedish case study (Ch. 4), our discussion evolves largely around the Swedish policy of perceiving return as an integrated part of the general asylum process – an approach we see as viable. Here, we discuss the practices involved in the so called "two-track" approach to integration, as well as point out certain shortcomings in the Swedish experience.

As for Norway (Ch. 5), we will first discuss the Norwegian asylum policy in general. Here, a special attention is given to the recent government measures to tighten the country's immigration policy and, in the discussion, we try and point out the negative impact that some of these changes may have on the sustainability of returns.

Norway does, however, have a rather firm basis of systematic assistance offered to all "rejected" asylum seekers returning "voluntarily", and we will also introduce this system briefly in chapter six. In the end of the chapter, we will then give an example of an extensive return and reintegration programme Norway offers to Afghan returnees.

In the last case study, that of Denmark (Ch. 6), we will critically discuss the ways in which the time in exile (i.e. the time of the asylum process) can be used as a way to prepare the asylum seeker for sustainable return and reintegration. Denmark is an extreme example of this, as asylum seekers are *only* provided return-geared training during the asylum process – as opposed to being integrated in the Danish society. Here, we raise various human rights concerns so as to point out that, while it is important to prepare the asylum seekers for potential returns as much as for potential residence permits, the former should not be done at the cost of the latter. The development of return politics simply should not begin from the aim of making it easier for European countries to reject their asylum seekers but, rather, from the motive of developing a systematically responsible politics towards the "other".

Given the general aim of this project to develop *gender-sensitive* forms of return assistance, in the end of all the country studies, we will underline some gender elements in each particular approach. Our aim here is not to present an exhaustive gender-analysis, but rather to provide catalysts for further discussion.

In the concluding chapter (Ch. 7), we will briefly sum up the findings of the country studies. Here, a starting point is the idea that there is a need to look at the return of "rejected" asylum seekers more as a long-term process and less as a technical event of removal. If the aim is in sustainable, just and responsible asylum and return decisions – as it certainly should be – then these two areas of domestic politics are to be perceived as a continuum directly linked to different fields of foreign politics, such as civilian crisis management and development cooperation. This idea has also been presented in other studies regarding the best practices of return, and such sources are utilised in the concluding chapter.

As for methodology, much of the information in this report is based on existing studies on Nordic return policies, different kinds of legal and government documents, as well as NGO statements and guidelines regarding asylum and return procedures. In addition, we have been in touch via email with the national migration authorities in Norway, Sweden and Denmark, with NGOs working with asylum seekers, as well as with some individual researchers. In the email

correspondence, we presented a list of questions regarding the national practices regarding the return of "rejected" asylum seekers, gender, and statistical information. As to Sweden and Norway, much of the information received is utilised in the national case studies below. In spite of several attempts, however, we were unable to get hold of the Danish migration authorities, and hence the Danish case relies largely on secondary sources, legal documents, and email correspondence with the Danish Refugee Council (DRC).

Conversely to the Danish case, however, there being little existing research on Finnish return policies, the section on Finland relies heavily on interview material. As part of the project, we have interviewed several immigration authorities and NGO representatives about the Finnish return and asylum policies – among them representatives of the Finnish Immigration Service (Migri), the police, IOM Helsinki[8], the Refugee Advice Centre (*Pakolaisneuvonta*), an NGO working for the rights of children, as well as an experienced social worker of a reception centre. Although we do not directly refer to particular interviews in the text, the argumentation on the stage of Finnish return policies is largely based on this interview material. In addition, in November 2009, we held a seminar discussing the holistic picture of return in Finnish asylum policies, as well as the possibilities to develop a Finnish return politics[9]. The seminar was directed at authorities, NGOs, and others working with asylum and return matters, and the presentations as well as the panel discussion provided a lot of useful material for the Finnish case study presented in this report.

1.5. A brief note on return terminology

In this study we systematically use citation marks around two particular terms: on one hand, when talking about "rejected" asylum seekers and, on the other, when talking about their "voluntary" returns. The reasons for this have been briefly clarified in a couple of footnotes above, but to reiterate: First, it must be emphasised when an asylum seeker receives a negative decision on her/his application, it is not her/himself in person that is being "rejected" but her/his claim of

[8] The International Organization for Migration (IOM) is an intergovernmental organisation in the field of migration that works in close cooperation with governments. The IOM office in Helsinki Office for the Baltic and Nordic States provides support to IOM offices in Norway, Estonia, Latvia and Lithuania, as well as carries out migration related activities in the Nordic and Baltic states.

[9] Seminar "Kun on pakko palata: Kohti suomalaista paluupolitiikka?" 16 November 2009, University of Tampere. Information on the seminar and the seminar presentations available (in Finnish) via the homepage of the project: [Http://www.uta.fi/laitokset/yti/tapri/projekti1.html#4], last accessed 26 Nov 2009.

asylum (e.g. ECRE 2005, p. 9, fn. 3). Secondly, the present EU discourse uses the term "voluntary" return for the returns of asylum seekers whose application has been rejected, and who comply with the return order without police enforcement. This is clearly misleading, since the return of "rejected" asylum seekers is never purely voluntary; they have no other choice but to leave the country of exile, which makes the return nothing but obligatory by definition.

ECRE for example recommends that the term "voluntary" return or repatriation is used only when

> [1] an individual with a *legal basis for remaining in a third country* has made an *informed choice* and has *freely consented* to repatriate to their country of origin or habitual residence; and [2] has given their *genuine, individual consent, without pressure of any kind*; *when such consent is elicited as a result of lack of effective protection in the host country or because of an imposition of sanctions, this cannot be classified as voluntary repatriation*; and [3] legal and procedural safeguards […] have been fully respected. (ECRE 2003, p. 4.)

This is clearly not the case in the kind of "voluntary" returns that the EU purports when talking about the return of asylum seekers whose application has been rejected. ECRE emphasises that these kinds of returns should be referred to as *mandatory*, defined as

> [the return of] persons who no longer have a legal basis for remaining in the territory of a country for protection-related reasons and *are therefore required by law to leave*. The term [mandatory] is being used to describe the situation whereby a person *consents to return to his/her country of origin instead of staying illegally or being forcibly removed*. It also applies to individuals who *although not having freely consented to leave, have been induced to do so by means of incentives or threats of sanctions*. (Ibid.)

Mandatory returns, in turn, are to be distinguished from *forced* returns, which refer to "the return of persons who are required by law to leave but have not consented to do so and therefore might be subject to sanctions or force in the form of restraints in order to effect their removal from a country" (ibid.).

Among the EU countries, there is no generally agreed convention for return terminology (EMN 2007, p. 3). Sweden, for example, draws a clear distinction between purely voluntary repatriation, and independently enforced or mandatory returns – hence largely following the division defined by ECRE (see Ch. 4). However, in the vocabulary of the EU's official discourse – in the return directive, for example, or in the return assistance funded via the EU – the terminology tends to get blurred. Also IOM's assistance offered to the "rejected" asylum seekers is termed as

"Assisted *Voluntary* Return" (AVR), and IOM's programs playing a dominant part in many a country's national return policies, this is also bound to blur the terminologies used in the national level.

In this report, we would have preferred a clear distinction between genuinely voluntary returns on one hand, and mandatory or obligatory returns on the other. However, because the report discusses the EU returns directive, IOM's assisted "voluntary" return programs, and other types of assistance or legislation where the term "voluntary return" of asylum seekers constantly appears as given, we have chosen not to mix the terminology too much, but to maintain readability in the report. However, it need be emphasised that the quotation marks do not appear around the term as a form of compromise. We do *not* wish to embrace the misleading terminology prevalent in the EU's return discourse – indeed this report does not discuss *genuinely voluntary* returns at all. Thus, each time the quotation marks appear around the term "voluntary", they are there to underline the *distorted* context in which the term is being used; that is, to underline that the term "voluntary" is used only to distort the *reality of obligation* in the returns to which it refers.

In this report, we also constantly refer to something called "sustainable return", which thus requires some elaboration. This is of course a complex concept, as the definition of sustainability is always relative – let alone its measurement. Richard Black and others (Black *et al.* 2004, pp. 25 ff.), however, summarise the idea of sustainable return clearly through the three axes of (1) physical location (or movement) of migrants after their return; (2) socio-economic and (3) political-security considerations.[10]

Here, the return can be considered physically sustainable, if the returnee does not have to re-migrate (within the country of return or internationally) immediately after her/his return, *and* does not have a strong need or desire to do so. The socio-economic sustainability, in turn, means that there are adequate sources of income and means of support available to the returnee, or at least the access to the kind of training and rehabilitation that assures sustainable livelihood in the nearest future. As for political-security considerations, this means that the returnee feels to have as well as actually has access to public services such as health care and education, and does not experience threats to her/his physical safety. Here, sustainability of returns would also mean that the return

[10] Black and others provide a more sophisticated analysis of sustainability, and what is presented here is an applied summary thereof.

processes as a whole do not risk the achieved levels of access to public services, or safety of the population as a whole.

This definition of sustainable returns largely represents the kind of comprehensive understanding that we wish to purport in this study – that is, an understanding that considers return as a transnational process, hence paying attention to its wider societal impacts in the areas involved.

2. THE EU RETURNS DIRECTIVE AS A BACKGROUND OF THE RESEARCH

To a large extent, our research is motivated by the development of a Common European Asylum System (CEAS), specifically its aim of standardising the member states' policies and practices of return. Here, an important milestone is the so called "returns directive".

The Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third Country Nationals (2008/115/EC) was first drafted already in September 2005 but, after long negotiations and various changes, was eventually accepted by the European Parliament (EP) in June 2008, and by the European Council (EC) in December 2008[11].

The member states that adopt the directive must bring into force the laws, regulations and administrative provisions necessary to the directive by 24 December 2010 (2008/115/EC, Article 20 (1)). Given this deadline, it still remains to be seen how the directive will function in practice. The directive does, however, outline a framework within which European – also Finnish and Nordic – return practices are to be developed in the future. Yet, in order to reach sustainable and responsible return politics, there remains a need to go beyond the returns directive and the framework it has set out for member states to follow. In this chapter, we will first briefly summarise what the directive comprises of, and then look at some of the criticism it has received.

2.1. A summary of the contents of the directive

While the return of migrants to third countries has to do with wider questions of return patterns, reintegration, and the impact of return on the receiving countries and societies (e.g. Cassarino 2006, p. 3; Koser & Van Hear 2003, pp. 15–16), the *EU returns directive focuses solely on the*

[11] For the development of European return policy, see also Commission of the European Communities 2002; Council of the European Union 2005; Committee on Civil Liberties, Justice and Home Affairs 2007.

return and removal of irregularly staying third country nationals. This group comprises of persons who are not EU citizens, and who do not fulfil, or no longer fulfil the conditions of entry, stay, or residence in a member state. Their *return*, in turn, can mean three things: (1) it can mean the obvious of going back to the country of origin, but also (2) the travel to a country of transit, or (3) another third country to which the person concerned wishes to return and in which s/he is accepted. (2008/115/EC, Article 3 (2–3).)

While this research report, and our project in general, is concerned with European return policies' impact on asylum seekers whose application has been rejected, the returns directive is not limited to this group only, but is equally valid for anybody without a legal right to stay in a member state. Thus, it also applies to persons, whose visa has expired for example, or persons who have entered a member state by irregular means without applying asylum.

It is important to note that the *starting point of the directive's applicability is the notion of "illegal stay"*, and that the directive thus does not address the grounds or procedures that lead to irregular residence – or the processes by which a person's stay can be legalised. In other words, the directive's objective is not to discuss the asylum procedures for example, but *to set out EU standards for the ways in which returns or removals of irregularly residing persons are to be organised*.

The directive rules, for example, about the ways in which return decisions are to be *issued* by the member states (2008/115/EC, Article 6); the ways in which return decisions are to be *enforced* if necessary (ibid., Article 8); the situations in which removal orders are to be *postponed* (ibid., Article 9); about the *length and conditions of detention* (ibid., Articles 15–17); as well as about the *exceptional circumstances in which a member state may derogate* from the directive regulations, and its legal safeguards.

In the directive, the so called *"voluntary" return is defined as the most preferred option*, which is to say that a person without a legal right to stay in an EU member state should first be advised to return on their own initiative, without having to be enforced. For those returning "voluntarily" a member state may also provide enhanced return assistance – the actual and potential forms of which also this report discusses[12]. (Ibid., preamble, para 10.)

[12] It need be noted that in the directive and the member states' existing return policies, assistance is directed only to those who choose to leave without having to be enforced – "voluntarily", that is. As far as there are people in need of assistance amongst those who are removed by police force, this line of thinking may not always address those who most need assistance, not even the most vulnerable groups.

In Article 7 of the directive, it is specifically regulated that irregularly staying third-country nationals should be provided from seven to thirty days to prepare for the "voluntary" return. While in certain circumstances, a member state is allowed to extend this period, Article 7 also regulates of those situations in which a person does not have to be granted the possibility to return "voluntarily" at all (ibid., article 7 (4)). In these cases, a *removal order* is applicable immediately with the return decision – basically meaning a deportation of the person by police force as soon as this is practically possible. Normally, forced removal would only take place if the person chooses *not* to return on their own initiative, and/or the period reserved for "voluntary" return has expired.

As for the implementation of removal orders, the directive regulates that "proportionate" coercive measures may be used, but they should not exceed "reasonable force", and are to be in line with "national legislation in accordance with fundamental rights and with due respect for the dignity and physical integrity of the third-country national concerned" (ibid., Article 8 (4)). In the Nordic context, enforced return basically refers to different degrees of police escort; the police may transport the deportee to the airport, to a country of transit, or all the way to the country of destination (where s/he is often handed over to the local authorities). As a measure of coercion in such situations, detention is probably the most commonly known – and widely used also in the Nordic countries.

Another notable measure in the directive is the member states' *obligation to issue entry bans* (to the EU) *with all removal orders*, as well as the possibility to do so with those return decisions that the member sees as appropriate. The length of the entry bans should not exceed the period of five years, unless the person to be removed is considered as "represent[ing] a serious threat to public policy, public security or national security" (ibid., Article 11 (2)). Here, however, the member states are also given the *possibility* of not issuing the ban for humanitarian reasons, and in certain cases the ban can be raised. If a third-country national is applying a residence permit in a member state while being "banned" by another member state, such permit cannot be issued before consulting the latter. (Ibid., Article 11.)

In the preamble of the directive and in its individual articles, there is an attempt to tie the directive's implementation to existing human rights and humanitarian law, as well as to provide legal safeguards for the third-country nationals whom the directive concerns. In the preamble, for example, it is emphasised that the directive is to be applied on a case-by-case basis, meaning that

all aspects of the person's conditions should be considered – and not just "the […] fact of illegal stay" (ibid., preamble, para 6). It is also stressed that for legitimate return or removal of third-country nationals, fair and efficient asylum systems are a *pre-requisite*, and that the principle of non-*refoulement* is to be fully respected (ibid., para 8). This is to say, that no person is to be expelled or returned "in any manner whatsoever to the frontiers of territories where [her/]his life or freedom would be threatened" for reasons laid out in the 1951 Refugee Convention (Convention Relating to the Status of Refugees, Article 33 (1)).

Thus, although the directive as such does not regulate the grounds and procedures relating to asylum decisions, its premises lie in the *assumption* that the asylum policies of member states follow the international legislation in this respect. Similarly, the preamble refers to other international norms and legislation: to the 1989 UN Convention on the Rights of the Child in that the "best interest of the child" should always be the primary consideration of when implementing the directive (2008/115/EC, preamble, para 22); to the 1951 Convention and 1967 Protocol relating to the Status of Refugees also in all other respects than those relating to the principle of non-*refoulement* (ibid., preamble, para 23); and to the Charter of Fundamental Rights of the European Union in all its principles (ibid., preamble, para 24).

Respectively, there is an attempt in the directive regulations to respect these norms by providing legal safeguards to the third-country nationals concerned. In Article 5, for example, the respect for the principles of non-*refoulement*, the best interest of the child, family life, and the state of health are reiterated as prerequisites of a just implementation of the directive. Article 10, in turn, outlines the standards for situations in which an unaccompanied minor is to be returned or removed to a third country, and similar standards are defined regarding the conditions of detention (ibid., Article 17). There are also procedural safeguards, according to which return and entry ban decisions are to be issued in writing (ibid., Article 12), as well as remedies for third-country nationals to appeal and gain legal advice when opposing a return and/or entry ban decision (ibid., Article 14).

As for the period reserved for "voluntary" return it is stated that, during this time, the family unity is to be respected; that emergency health care is to be provided; that minors are to be provided an access to the basic education system (subject to the length of their stay); and that the needs of vulnerable persons are to be taken into account (ibid., Article 13). Furthermore, in Article 4 it is outlined that, should there be more favourable provisions in the member states' or the

Community's bilateral and multilateral arrangements or legislation, these can be applied for the benefit of the third-country national concerned.

2.2. The directive under criticism

In spite of the above outlined attempts to pay attention to human rights concerns, the directive has received wide criticism from refugee and human rights organisations. In principle, those criticising the directive acknowledge that it is a positive thing to try and agree about common European standards for return and removal policies. This is because the member states' national policies and practices tend to vary a great deal, which means that the treatment of "rejected" asylum seeker is wholly dependent on the member state in question.

For example, while in Finland it is an established practice to return or remove persons without a legal right to stay, in many other EU countries no measures are necessarily taken (e.g. Åberg 2007), which allows for the formation of whole populations of paperless and rightless individuals within the EU. Such rightlessness obviously exposes irregular residents to different forms of exploitation, hence being a serious human rights concern.

In many other respects, too, the pursuit of just return policies is fundamental for a fair and responsible CEAS as a whole. ECRE, for example, states that

> as the first instrument dealing with the expulsion of those third country nationals who are staying irregularly in the EU, the Directive represents a unique opportunity to guarantee and improve the necessary human rights safeguards in the return procedures in a majority of Member States. (ECRE 2009, p. 5. See also UNHCR 2005.)

Yet, the long negotiations of the directive resulted in a compromise that does not quite utilise this unique opportunity. While the first proposal for the directive came from the European Commission in 2005, it took two more years until the publication of the EP Civil Liberties Committee (LIBE) report on this proposal. The LIBE report as such would have mostly improved the human rights standards of the directive, by prohibiting the detention of unaccompanied children, for example; by allowing a *minimum* of four weeks for third country nationals to prepare for an independent departure; by making the application of entry bans optional for the member states; and by suggesting a range of active monitoring mechanisms for returns. Some of LIBE's amendments, however, also worsened the fundamental safeguards as originally suggested by the

Commission, such as the allowance of administrative authorities to issue detention orders, or the extension of the maximum period of detention up to 18 months. (See Committee of Civil Liberties, Justice and Home Affairs 2007.)

Yet, unlike the 2007 LIBE report as a whole, the later Council negotiations gradually worsened the human rights standards of the directive, and the final text that was accepted by the EP in June 2008 is generally seen as a disgrace by both refugee and human rights organisations. (ECRE 2009, pp. 1–2. Also ECRE & Amnesty International 2008a & 2008b; UNHCR 2008.)

The list of human rights concerns related to the compromise directive is long, and not without grounds. Before the EP vote on the directive, UNHCR, Amnesty International and ECRE appealed to the MEPs, the Council and the member states on a range of specific points – none of which were amended for the final directive.

UNHCR (2008), for instance, has drawn attention to the ways in which the directive risks violating the international refugee law *in practice* – in spite of its nominal references to important norms and legislation in the preamble text. The principle of non-*refoulement,* for example, is practically challenged in various wordings of the directive.

First, Article 2 (2) of the directive allows member states to exclude from the directive safeguards any persons who enter the Union territory by irregular means, even if the purpose of doing is to seek asylum. Due to various types of entry restrictions in place in the Community, this practically undermines the universal human right to seek asylum within the European Union (the Universal Declaration of Human Rights, Article 14; Charter of Fundamental Rights of the European Union, Article 18).

UNHCR also regards the possibility of individuals to effectively appeal against a return decision as limited in the directive. Although Article 12 obliges states to give the return decisions and entry bans in writing, as well as information on available legal remedies, states may choose to give translations of these only *"upon request…*and in a language the third-country national understands *or may reasonably be presumed to understand"* (2008/115/EC, Article 2 (2), our emphasis). In other words, the directive allows for situations, in which a person is given a return or removal order with an entry ban, but no explanations or advise for legal remedies in a language that s/he *actually can understand*.

Similarly, Article 13 (4) outlining the third-country national's right to legal assistance does not *oblige* states to provide assistance, hence potentially undermining the subject's right to fair

legal procedures. The lack of fair procedures – or lack of *access* to fair procedures – may easily lead to a *refoulement* of a person in need of protection, and hence to breaches of international law.

Another major concern of the UNHCR has to do with the obligation of states to issue (re-)entry bans in certain situations, and the dire implications of this on the possibility to seek protection within the EU.

Namely, even though the return or removal of a third-country national may be legitimate at the point when the ban is issued, situations change, and the same person may later be in need of genuine protection. If "banned" at that time, the doors could be closed to the whole of the EU. This is because, according to the directive, the member states are *obliged* to recognise the (re-)entry bans issued by another member. As a rule, the directive thus requires from the members a *mutual recognition of negative decisions – an obligation that does not apply to positive decisions* in the EU asylum *acquis.* (UNHCR 2008.)

All in all, the UNHCR remains concerned that, although member states are allowed to maintain higher standards than those outlined in the directive, the text will effectively drop the standards of removal in the whole EU. Pre-removal detention, for example, may last as long as one and a half years if the directive is literally followed – a limit that distinctly exceeds the present national conventions of most member states. Furthermore, this concern of UNHCR is not without its grounds: Italy, for example, has already taken measures to lengthen the maximum period of detention in the aftermath of the directive, from 60 days up to 180 (Global Detention Project).

As for other aspects of the directive's detention regulations, it is equally problematic that in many cases the grounds for detention – e.g. a *perceived* risk of absconding – are beyond the influence of the detainee. Similarly troubling is the possibility of member states to detain unaccompanied minors, or the possibility of administrational staff to place detention orders without an automatic juridical review – the latter of which puts an irregularly staying third-country national at a position worse than that of a criminal. (2008/115/EC, Articles 15–17; UNHCR 2008.)

While supporting the arguments of the UNHCR, ECRE has voiced its concern over a range of additional human rights issues involved in the directive. The organisation is, for example, alarmed that transfers to transit countries or other third countries are defined as "returns" in the directive discourse; that the directive makes it possible to issue removal orders and entry bans at the same time with the return decision; that people whose asylum applications have been rejected are provided not more than seven to thirty days for the preparation of their return; that the legal

remedies instituted by the directive do not have a suspensive effect on removal orders; and that members have the possibility to derogate from a range of obligations in vaguely defined "emergency situations". (ECRE 2009.)

Generally speaking, ECRE is concerned about the ambiguous language of the directive as far as legal remedies are concerned. The directive, for example, acknowledges that the needs of vulnerable persons are to be taken into account (2008/115/EC, Article 14 (1c)), but gives no specific safeguards as to how this *obliges* members states to act. Similarly, the interests of the child are to be taken into "*due account*" (Article 5, our emphasis), although the Convention on the Rights of the Child would require that children's *best interest* are of *primary consideration*. Another example of such lose wordings is Article 10 of the directive that allows for unaccompanied children's return and removal as far as the "return facilities in the state of return" are "*adequate*" (ECRE 2009, p. 5). Who determines the level of adequacy and how is left for the member states to consider, and the present variance of asylum practices within the EU shows that such considerations do not always meet even the minimum of human rights standards set out in the international law.

ECRE also notes that the directive does not provide adequate protection for the returnees against destitution during the period of "voluntary" return (see Article 14 in the directive). At present, there is already evidence of policies where member states coerce "voluntary" departures by withdrawing all forms of social support during the period reserved for return (ECRE 2009, pp. 6, 18–19), and we will come back to this in the case of Denmark. When such policies lead to the destitution of the returnee, it is evident that also attempts of sustainable return are effectively undermined.

Finally, ECRE makes an extremely important point that need be born in mind when thinking of sustainable forms of return assistance. Namely, while the 2007 LIBE report emphasised that all returns under the directive were to be monitored and registered "for the purposes of evaluating the impact of the return policy on the persons concerned as well as the country or society to which they are returned" (Committee on Civil Liberties 2007, Amendment 72, Article 17, subparagraph 2b (new)), no such provisions are outlined in the final directive (ECRE 2009, p. 7). The monitoring of returns would be important, however, as help to guarantee that the asylum decisions are correct in the first place and hence the return of asylum seekers justifiable. As for sustainable return politics, the monitoring of returns could also bring vital

information on the successes and failures of different kinds of return and reintegration assistance, hence helping to develop the best practices of support.

All in all, however, it can be summarised that, *if* the member states are to apply the directive text as a set of minimum standards, the various weaknesses of the text allow for serious breaches against international human rights and refugee law and, in many a member state, worsen the present return practices. This being said, when thinking of "best practices" of return assistance, a truly sustainable return politics would need to pay close attention to the criticism presented above and hence go *well beyond* the protection standards of the directive.

3. AN OVERVIEW OF THE FINNISH APPROACH TO RETURN[13]

In this chapter, we will discuss the Finnish approach to return – and especially the lack of a comprehensive picture thereof. The aim of our project being the development of something that could be called return *politics* for Finland, an aim of this discussion is to serve as a catalyst for further debate.

The chapter is roughly divided into four parts. In the first part (3.1.), we will look at some statistical information relating to the Finnish asylum and return policies. There being no comprehensive approach to questions of return in Finland, we will try and trace this in the second part (3.2.) by looking at the asylum process from the filing of application to the (potential) decision of rejection, and beyond. Here, we will first (Ch. 3.2.1 and 3.2.2.) discuss the asylum and reception practices and ask, how the questions of return are communicated to the asylum seekers at this point of the "refugee cycle" (term from Black & Koser 1999). We will then (Ch. 3.2.3.) look at the practices of forced removals as well as the return assistance available to "voluntary" returnees (Ch. 3.2.4). Finally, we will ask whether, and how, return should be seen as linking together the domestic questions of asylum with the Finnish politics abroad – such as civilian crisis management or development cooperation (Ch. 3.2.5.).

Although the Finnish debate on return policies is still in its infancy, there are various initiatives at place to better account for this side of asylum practices. In concluding section (3.3.), we draw together the discussion of the chapter as well as briefly review some of those initiatives in

[13] Unless stated otherwise, this chapter is based on interview material with Finnish asylum officials, the police, NGOs and other actors working with asylum seekers – people either directly or indirectly related to the questions of return. See also presentations given in the seminar "Kun on pakko palata: Kohti suomalaista paluupolitiikkaa?" 16 November 2009, University of Tampere. (See fn. 9 for www-source.)

the Finnish debate on return. Here, we will also look at some of the gender aspects that arise from the discussion, and need be born in mind as the debate continues.

3.1. Facts and figures

In this report, one of the central arguments is that the Finnish approach to return conspicuously lags behind the debate and practices of the other Nordic countries discussed. While not a valid excuse to abstain from the development of national return politics, one reason for this is the relatively small numbers of asylum seekers Finland has hosted over years, when compared to the other Nordic countries. We will present some comparisons in the Nordic case studies below, but let us first have a look at some facts and figures relating to the Finnish case.

Over the resent few years, the annual number of asylum applications in Finland has steadily increased. Whereas the total number of applications between 2000 and 2007 varied between 1,505 (2007) and 3,861 (2004), in 2008 the figure was already over 4,000 and it is estimated that some 6,000 asylum applications will be filed by the end of 2009 (Maahanmuuttovirasto 2009a; Maahanmuuttovirasto 2009b, p. 13; *Helsingin Sanomat,* 3 Dec 2009). Yet, in spite of the increase, the numbers remain low when compared to other Nordic or European countries.

Regarding gender divisions in the number of applications[14], a large majority of asylum applicants in Finland are men – approximately 75 to 80 percent over the recent years. The same applies also to our two countries of interest, Iraq and Afghanistan: By the end of June 2009, 851 Iraqis had applied asylum in Finland, of whom only 12 % were women. From Afghanistan, 184 asylum seekers had arrived by the end of June, of whom 22% percent were female. In the case of unaccompanied minors, the phenomenon is even more male-dominated; by the end of June 2009, 97 % unaccompanied minor asylum seekers from Iraq, and 93 % of those from Afghanistan were boys. (Maahanmuuttovirasto 2009b, pp. 2, 4.)

Based on statistics (ibid., p. 11) – and given that gender guidelines on potential persecution are generally being followed in the Finnish asylum process – it would also seem that women are somewhat more likely to be granted asylum than men. Also unaccompanied children are rarely given return decisions to third countries. From this follows that return policies have mostly to do

[14] Here, it need be noted that it is an extremely positive sign that statistics regarding gender in asylum processes are systematically being held, analysed and reported by the Finnish Immigration Service Migri. Compared to European countries in general, this is not a rule. Such statistical information, however, enables the making of gender analysis in the first place and hence the development of gender-sensitive policies and practices.

with adult male returnees[15], and while it remains imperative to address the needs of those women and children who are being returned, it is equally important to ask, which men or boys, from those being returned, are vulnerable *because* they are men and boys. As clarified in the introduction, we will return to this question in more detail in the latter part of our project in 2010.

A notable feature in the Finnish asylum practices (and to a large extent in the Nordic asylum practices in general) is the impact of the Dublin procedure on negative decisions, referring to the cases of those asylum seekers who have applied or been granted asylum in another EU state before filing an asylum application in Finland. These "Dublin cases" are normally[16] not processed in Finland at all, but returned to the first member state in question.

Due to its mere geographical location, most asylum seekers arrive to Finland via another member state, which makes the share of Dublin decisions in the total number of rejected applications prominent. With the development of the Schengen Information System, SIS (such as the EU-wide fingerprint database EURODAC), the monitoring of the movements of irregular migrants has become more and more effective within Europe and, consequently, the number of Dublin cases in the Finnish and Nordic asylum processes has considerably increased.

During the first half of 2009, for example, almost half of all decisions (48 %) in Finland were based on the Dublin protocol, while during the same period in 2008 the percentage was not more than 16. Respectively, in the first half of 2009, *79 percent of all negative decisions were Dublin cases* – and hence *decisions that lead* to *returns within the EU*. From this follows, that approximately only about one fifth of the negative decisions given in Finland presently lead to obligatory returns to *third countries*[17] – that is, to the kind of returns which this project as well as many other EU funded return related projects aim to investigate. This is a disparity we wish to briefly address, even if it does not directly relate to our own research questions.

Namely, although the Dublin procedure as a whole is premised on the *assumption* that asylum procedures in all member states would be equally humane and respective of human rights, this is *not* the case. Namely, the countries that receive the largest numbers of asylum seekers

[15] By mid September 2009, for example, 715 "rejected" asylum seekers had been returned altogether, out of whom 84 were women, and 51 children (accompanied by their parents). (Interview at the Finnish Immigration Police in Helsinki, 16 Sept 2009.)

[16] Exceptions are very rare, but sometimes unaccompanied minors' asylum cases are processed in Finland, even though they would count as "Dubliners".

[17] This is supported also by the police figures of implemented removals: By mid September 2009, the police database showed that 715 "rejected" asylum seekers had been returned altogether that year, out of which 135 only (18 %) were returned to third countries. (Interview with the Immigration Police in Helsinki, 16 Sept 2009.)

within the EU and to which most Dublin returns take place – e.g. Greece, Malta, Italy – reportedly violate the rights of asylum seekers in various ways.

The reception facilities are not adequate enough to accommodate the asylum seekers in humane conditions, for example, and often the asylum seekers, also children, end up living an undocumented and irregular life on the streets. Asylum processes also do not follow fair procedures in other terms, and asylum interviews can be conducted without interpreters and/or without the applicant's full understanding of how her/his case becomes decided and filed in the EU wide information system. This has led, for example, to the subsequent treatment of unaccompanied minors as adults in other member states – as part of the Dublin procedure. There are also reports of outright mistreatment of asylum seekers in reception centres, and bilateral readmission agreements with countries such as Libya have reportedly led to torture and imprisonment. (See e.g. Dutch Council of Refugees *et al.* 2009; ECRE & ELENA 2006; World Refugee Survey; ECRE 1 June 2005; also interview material.)

While the aim in our project and in this report is to develop return policies to third countries in particular, we wish to emphasise that the wider aim in the EU returns debate should be the development of humane, just and sustainable return politics *in general* – that is, *also within Europe itself*. Given the large share of Dublin decisions in the countries of Northern Europe on one hand, and the mistreatment of returnees in the countries of Dublin returns on the other, such an aim would require the development of the *EU's internal return politics* also – so that CEAS would genuinely meet the human rights standards it *claims* to respect. This should also be taken into account when developing a Finnish return politics and indeed: if only one fifth of returns of "rejected" asylum seekers from Finland take place to third countries, it could be argued that developing return politics to these countries only addresses not more than one fifth of the problem.

Regarding our two countries of interest, Afghanistan and Iraq, the decisions given to Afghan asylum applications follow largely the same provisions in all the Nordic countries, while Norway and Sweden[18] apply stricter standards for Iraqi applicants. (Sisäasiainministeriö 2009a, p. 21.)

For Afghanistan, this means that international protection is provided on the basis of individual grounds, while humanitarian reasons can be applied to certain areas of origin –

[18] Denmark has not reported about country-specific guidelines, but says its decisions are generally based on the assessment of individual cases.

especially those specified by the UNHCR. Under the present circumstances of conflict in Afghanistan, this is arguably somewhat problematic as the "safe areas" are subject to constant change, which has a direct impact on the sustainability of returns. Finland applies, however, also the so called "internal flight alternative" to Afghan asylum seekers on a case-by-case basis[19]. Vulnerable groups and particularly women without male support or other networks are granted asylum more easily than others.

Between years 2006 and 2008, not more than nine persons returned "voluntarily" to Afghanistan from Finland, during which six persons were deported. (Ibid.) According to the police statistics, by mid-September 2009 three persons had been deported to Afghanistan that year, after the final negative received in the appeals process[20].

In 2009, however, the Finnish Migration Service (Migri) together with the police conducted a project the aim of which was to create a permanent country specific information system for Afghanistan. The findings of the project are meant to enable a better assessment of the situation in Afghanistan for the Finnish asylum decisions, appeals process, and for the planning of returns. On the basis of this project, Migri also intends to update its instructions for international protection of Afghan nationals in the course of 2010. (Ibid., pp. 46–47; Maahanmuuttovirasto, 22.6.2009)

As for Iraqi asylum seekers, since May 2009 Finland has no longer granted asylum for applicants from Southern Iraq and Baghdad on other than individual grounds of persecution which, in the case of Baghdad, does not follow the UNHCR recommendations. For those coming from the Northern parts of the country (al-Din, Kirkuk, Dijala) asylum can still be granted on humanitarian grounds. Here, however, Migri holds language tests as necessary for guaranteeing that the applicant genuinely originates from the stated area. (Sisäasiainministeriö 2009a, pp. 22–23.)

Between 2006 and 2008, seven persons returned to Iraq on their own initiative, but during the same time no returns were being enforced (ibid.). By mid-September 2009, however, twelve persons altogether had returned to Iraq. Eleven of them returned "voluntary" with the help of IOM assistance, while the return of one person was overseen by the police. The police suspects that

[19] Given the increasing numbers of internally displaced persons (IDPs) on the global scale, and the incapacity of states to provide protection to them, this alternative is also problematic, and we will return to it briefly in the Norwegian case study.
[20] Interview with the Finnish Immigration Police, Sept 16 2009.

some of the "voluntary" returnees might have not even gotten a negative decision, but might have cancelled their application instead. For this, we do not have specific information, however.[21]

Unlike the other Nordic countries discussed, Finland has not had a readmission agreement with Afghanistan or Iraq. However, a tripartite agreement between Finland, Afghanistan and UNHCR, and a bilateral agreement with Iraq are currently under preparation in the Finnish Ministry of Interior. The purpose of such agreements is to agree with the receiving governments about the procedures by which asylum seekers whose applications have been rejected can be returned to their countries of origin. (Ibid., p. 44.) According to some NGOs, however, these agreements are questionable in that they are not transparent enough for monitoring, what the agreements involve, what kinds of sums of money are exchanged – or how the quasi-democratic governments involved are otherwise traded to receive back their citizens who have left the country so as to apply asylum.

The agreements do, of course, make it easier for returning countries to organise returns in practice – both "voluntary" and forced. While effective from the administrational point of view, the downside is that the agreements also make it possible to hand over "rejected" asylum seekers against their will to the government whose persecution the deportee may have escaped in the first place. In this regard, the involvement of UNHCR in the agreements is a positive thing since the organisation, at least in principle, is capable of monitoring how the returnees are being treated by their governments after the arrival.[22]

3.2. The return of asylum seekers in Finland – nobody's business?

The title of this section is provocative in purpose, since what we partly wish to do with this report is to provoke discussion amongst officials and authorities, politicians and organisations, about what return politics for Finland should and could mean. However, there is an ounce of truth in the title too. Namely, in our interviews with officials and organisations working with asylum seekers we found out that, while return indirectly related to their day-to-day work, no one seems to have a *comprehensive* picture of what the return of "rejected" asylum seekers from Finland means in practice. From the viewpoint of sustainable and well-prepared returns, the finding is alarming – for

[21] Interview with the Finnish Immigration Police, Sept 16 2009.
[22] Argument based on interview material.

if the authorities themselves do not have a full understanding of the return processes, it is unlikely that systematic and adequate information can be given to the returnees either.

It seems that the biggest reason for this lack of understanding is that there is *no coordination* in Finland between the different actors related to the questions of return. In this section, we will try and point out the practices that most require coordination when developing a sustainable and comprehensive politics of return for Finland.

3.2.1. An overview of the Finnish asylum process

The asylum process in Finland begins when the asylum seeker applies asylum upon arrival to the country, either at a local police, or at the border. The police or border authorities are responsible for the identification of the applicant, as well as for the tracking of her/his travel route. For identification purposes, the asylum seeker is photographed and also her/his fingerprints are taken.

After an interview with the police or the border authorities, the asylum application is transferred to Migri, where the Dublin Agreement Unit examines whether the applicant's case falls under the Dublin legislation. In practice this means examining, whether the person has applied asylum earlier in another state that applies the Dublin II agreement (EU countries, Iceland, Norway and Switzerland), whether any of her/his family members live in these countries as refugees, whether s/he has a visa or a residence permit in any of these countries, and whether s/he has arrived to Finland via these countries by irregular means. (See Maahanmuuttovirasto: *Flowchart.*)

If the asylum seeker's case falls under the Dublin legislation, the person is returned to the country responsible for her/his asylum claim as soon as possible. Although each member state has the right to take the Dublin cases under investigation even if it were another member's responsibility (for reasons of particular vulnerability for example) this happens extremely rarely in Finland.

When thinking of gender, vulnerability, and gendered vulnerability, it is important to note that, in the Dublin process, the investigation is fully based on existing documentation regarding the applicant – such as that received via the Schengen Information System or at the initial police/border investigation – and the asylum seeker her/himself is not heard by the Migri

authorities[23]. From the viewpoint of vulnerable groups, this is problematic, since the documentation utilised in the investigation would rarely involve data of how the asylum seeker has been treated in the asylum processes elsewhere in Europe – and cases such as rapes in reception centres, unfair asylum interviews, or unaccompanied minors' experiences of life in the streets cannot be taken into account in the decisions of Dublin return.

In other words, *within the processes of Dublin returns, the potential vulnerabilities of asylum seekers are not being considered*. As one expert on the cases of unaccompanied minors coined it:

> The best interest of the child seems to be rather well appreciated in the Finnish asylum procedures in general – but only after the need of international protection is taken under full investigation. *It is the Dublin process that overrides the very concept of the child's best interest…*[24]

To a large extent, this argument is likely to apply also to other groups of gendered vulnerability – in Finland, in the other Nordic countries discussed, as well as in Europe at large. Thus, we reiterate, the development of genuinely gender-sensitive return politics would also require a serious reassessment of the Dublin legislation.

If the asylum application does *not* fall under the Dublin legislation, Migri will examine whether the person is in need of international protection. At this point, the application is processed in either normal or fast-track procedure, both of which involve a personal hearing of the applicant. Here, the asylum seeker's case is assessed on individual grounds, and s/he is asked to give a detailed account of her/his asylum claim, as well as provide any potential evidence s/he may have. In the hearing, the authorities pay attention to the credibility of the story, as well as on any conflicting information it may involve. So as to protect the rights of each individual applicant, and indeed because of potential gender elements, spouses are heard individually, as well as children over 15 years old.

The fast-track procedure applies if the person comes from a "safe asylum country" or from a "safe country of origin"[25], if the application in "manifestly unfounded", or if the person has applied asylum in Finland already earlier. The process is quicker than the normal procedure

[23] In the Dublin process, the authority with whom the asylum seeker is in contact is practically the police: It is the police who does the initial interview, and it is the police who informs her/him on the decision as well as enforces it if need be. (Interview material.)
[24] Interview material.
[25] We will return to the problems of these concepts in the Norwgian case.

because the decision is given more quickly (especially in the case of "safe countries" of origin or asylum) and, in the case of negative decisions, the asylum seeker can be returned already before the decision has reached its legal force – i.e. before the appeals process has come to its end.

From the viewpoint of sustainable and responsible returns – especially when vulnerable groups are involved – this is problematic. First, even if the appeals process is successful, the person may have already been removed from the country at the time s/he is granted the right to stay. Furthermore, in the fast-track procedure the person can be removed within *eight days* after s/he has been informed about the negative decision, and this is barely enough time to prepare for a sustainable return: it may just be possible to do the necessary travel arrangements, but to talk about preparation for reintegration when you have a bit over a week to go is hardly realistic. Yet, as we will emphasise in this report, a sustainable return politics should always consider elements of reintegration.

As for the normal procedure, the period of waiting for the decision is longer – normally about a year, but there are cases where the process with all levels of appeal has taken four years or more[26]. The long periods of waiting are not, of course, any more constructive of sustainable returns than having too little time to prepare for the return after a negative decision: the waiting time is always a time of insecure limbo, and the longer the asylum seeker has to wait, the more difficult will the process of reintegration be in the case of obliged return.

As we will argue, however, in a comprehensive politics of return the time of waiting should be effectively utilised for the benefit of the asylum seeker, so that s/he can build up skills that are useful for two types of integration: In case of a positive asylum decision, s/he needs skills for the *integration in the society of exile* but, in case her application is rejected, s/he would also need skills that are beneficial for *reintegration in the society of origin*. Passivity is evidently the worst option for both the scenarios, but to prepare the asylum seeker only for one or the other future is also not recommended. We will return to this in the next section, as well as in the case studies of other Nordic countries.

Both in normal and fast-track procedures it is on the responsibility of the police to inform the asylum seeker about a rejected application. In the normal procedure, the asylum seeker has 30 days to appeal the decision, but if the decision holds in the appeals court, the decision will gain its

[26] In such cases, there are often problems with the identification of the applicant, or other matters that the Finnish asylum authorities cannot influence.

legal force. At this point, the police organises a hearing with the asylum seeker, where the person is informed about the situation and its consequences. In the Finnish legislation, there is at present no specific time-limit by which the person needs to leave the country, but s/he need be provided a reasonable time to prepare for the travel. The returns directive is, however, likely to change this when implemented in the national legislation (see 2008/115/EC, Article 7 (1)).

In brief thus, the Finnish asylum procedure and its division of responsibilities can be summarised so that the police is the immediate contact point to the asylum seeker both upon the arrival to the country as well as upon the departure. In the meanwhile, Migri investigates the case and makes the decisions and, in case of a negative decision, it is the police who informs the asylum seeker about the result of her/his application and, when necessary, also implements the decision through different levels of enforcement (see Ch. 3.2.3.).

In the process, the main emphasis is on the investigation of whether or not the asylum seeker is in need of international protection, and also their possibilities to return or gendered vulnerabilities are assessed from this point of view. And indeed, given the absolute necessity of due assessment of the asylum case, this is the way it should be. However, although the asylum authorities do inform the applicants about the asylum procedure, its potential outcomes, and what they mean in practice, practical questions of return tend to be systematically and comprehensively communicated only after the negative decision is a reality, and the asylum seeker is obliged to return – that is, in the final departure interview with the police. From the perspective of well-prepared and sustainable returns – and especially because the time between receiving the negative decision and being obliged to leave is often relatively short – this may be too late.

There is, however, an important set of actors in the Finnish asylum process, who are in close contact with the asylum seekers throughout the time they wait for their decisions. These are the social workers at the reception centres.

3.2.2. Preparing for return in the reception facilities

In the Finnish asylum system, the asylum seeker can live in either reception centres, or at private accommodation. All asylum seekers are provided basic health care, social services, and small

income support for food and other necessities[27]. There are also activities and educational services available, as well as services for families with children and youth. After three months in Finland, asylum seekers are also allowed to work[28]. In the legal procedures, the asylum seeker is eligible to get an interpreter, and legal assistance is provided. Unaccompanied minors also have a specially nominated adult representative present in all asylum interviews. Victims of torture have an access to therapy – however, the Centre for Torture Survivors in Helsinki does not provide services to children under 18, which practically means that children who are torture victims do not have weaker access to therapeutic services than adult asylum seekers. We will come back to this below.

The reception services form a crucial element in the asylum process in general as well as in the processes that lead to return. In general terms, the return-related support provided at reception facilities could thus be divided into two phases: on one hand, support should be provided for the empowerment of the asylum seekers while they are waiting for their decision and, on the other, psycho-social support should be given when informing her/him about the negative decision, and hence about the obligation to return. In addition, the reception phase should also be utilised for the practical preparation of the asylum seeker for her/his two potential futures: residence permit, or return.

In Finland, questions relating to the potential negative decision – and hence to return – should principally be communicated with the asylum seeker openly already upon the arrival to the reception centres, in her/his first consultation with the staff. The social workers should also follow the situation of each applicant, encouraging them to share concerns when necessary. In the case of unaccompanied minors whose application falls under the Dublin legislation, the staff may also raise concerns that favour further investigation in Finland (rather than return to another EU country). Also, if an unaccompanied minor is being returned, the reception centre staff provides her/him with contact details for organisations or actors s/he can turn to after the arrival.[29]

[27] At present, the support is 375 euros for an adult asylum seeker, which is 15 % less than that given to a Finnish citizen in need of income support. However, as a measure of making Finland less attractive an asylum country, the government has proposed to cut the income support down to 292 euros for those asylum seekers who live in receptions facilities. (*Helsingin Sanomat*, 3 Dec 2009.)

[28] This practice is subject to change, as the government has suggested that, in the future, paid work would be permitted after three months only to those asylum seekers, whose identity can be ascertained, or who collaborate with the authorities in their attempt identify the person. Those, who cannot be identified and are considered uncooperative, would have to wait for six months before being allowed to work.

[29] Päivi Ristimäki's presentation on reception facilities and return in the seminar "Kun on pakko palata…". (See fn. 9 for www-address.)

When thinking about sustainable asylum politics in general, it can be argued that all the support and tools of empowerment provided to the asylum seeker during the reception phase are likely to support her/him in the life that follows the asylum decision – be the decision positive or negative. The support can be about new skills, for example, work experience that enables her/him to support her/himself after the asylum process, or about psycho-social services that help her/him to deal with the potential traumas of the past.

In the Finnish reception services, the needs for this kind of support are acknowledged and offered relatively well. There are shortcomings, however, one of which has to do with tortured children.

As mentioned above, the therapy available to tortured asylum seekers in the Centre for Torture Survivors in Helsinki is not offered to children under 18 years old. Consequently, the traumas of minor asylum seekers are treated by the communal health care sector in the towns of the reception facilities, and the access to services is dependant on what kinds of services can be offered at that particular municipality. In Finland, the mental health services for youth are not very strong, and there are long queues in the public sector. In practice, this means that minor asylum seekers who have experienced torture have a very weak access to therapeutic services, and traumas are often left untreated for protracted periods of time.

This also adds to the burden of the social workers at the reception centres. They are not trained to treat heavily traumatised children, and yet they constantly face situations where memories of torture come to the fore – and even lead to psychosis.

The rehabilitation of traumatised individuals being a central prerequisite for a full participation in social life, this deficiency in the care of minor asylum seekers is directly relevant to questions of integration and reintegration – and hence also to questions of sustainable return. Especially unaccompanied minors have often experienced rapes and other kind of violence during their journeys to Finland, and the need of therapy for child victims of torture is therefore a major deficiency that should be addressed.[30]

Another problem more directly related to the development of systematic return and asylum policies is that, at the moment, the reception services in Finland vary from one reception centre to another. This means that the support available to an individual asylum seeker is largely dependent

[30] Information based on an interview with a social worker who has a strong experience in the reception work of unaccompanied minors in Finland.

on which reception centre s/he happens to be accommodated. One reason for such discrepancy is the rapid growth in the number of asylum applications filed in Finland over the recent years, which has required an establishment of new reception facilities throughout the country at a very rapid pace[31]. There having been no clear instructions regarding the quality of services, this has resulted in a rather heterogeneous and unequal network of reception services.

Between 2007 and 2009, however, an EU-funded LATU-project (*LATU-hanke*) has prepared a comprehensive handbook for the reception services of asylum seekers. The aim of the project has been to develop a systematic set of instructions, by which reception centres could assure asylum seekers an equal access to services that respond to their individual needs – regardless of the reception centre in which they reside. The handbook has been prepared in consultation with five reception centres.[32]

The handbook provides the reception centres with instructions regarding their different areas of responsibility, from accommodation facilities to health care to social and income support, and so on. In the handbook, all these services are clearly defined as services that prepare the asylum seeker for successful integration in Finland as well as for humane and dignified conditions of return. It is also emphasised that the asylum seekers are individuals with specific needs, and a range of specific focus groups are being defined – for example, on the basis of their former education or employability; accommodation arrangements (private accommodation or reception facilities); or particular vulnerability and need of specific health services. Also asylum seekers pending for return because of a negative decision are here defined as a special focus group. The idea behind the categorisation is that, while all asylum seekers are provided the same basic services, the needs of particular groups are to be taken into account in the planning and implementation of reception services.

From the perspective of gendered vulnerability, this kind of a model is indeed to be encouraged: especially if the different categories are *not* taken for granted – meaning that each asylum seeker is treated as a gendered individual rather than fitted into a predetermined sex-

[31] As of 5 May 2009, for example, there were 17 reception centres in the country, and six new ones were planned to be established. (Päivi Ristimäki's presentation on reception facilities and return in the seminar "Kun on pakko palata…". See fn. 9 for www-address.)

[32] In the first phase of the project the focus groups were adult asylum seekers, and families with children, but a separate handbook for the reception of unaccompanied minors has also been developed in association with six reception facilities.

specific group – the model encourages sensitivity towards the kinds of vulnerabilities that have to do with gender.

It remains to be seen, how the handbook recommendations will be put in practice, and it is indeed likely that their systematic implementation will take some time. Yet, the mere existence of the handbook is a crucial step towards a more systematic national asylum politics, and it also has the potential to increase the reception centres' capability to better prepare the asylum seekers for safe and dignified returns.

Indeed, in the development of Finnish return policies, the role of the reception facilities and their staff is not to be underestimated. Namely, it is the staff at the reception centres that have a daily contact with most asylum seekers during their asylum process, and in questions of both asylum and return the staff are thus important sources of information and support. The staff cannot – and should not – anticipate the final results of the asylum process, but it is their task to openly discuss with the asylum seekers about the potential outcomes of their applications; also the negative ones. When such conversations involve open information about the practical consequences of a negative decision, as well as information about assistance available to them at that point, it is likely that – at least on some level – the asylum seeker is better prepared for return and reintegration if need be.

Furthermore, while being central to the information work and counselling in questions of return, the reception centres are in a key position when thinking about educational activities that prepare the asylum seekers for their two potential futures; integration or reintegration. Also this capacity of the reception centres need be taken into account when developing a holistic approach to returns in Finland.

Yet, for the reception centre staff to do their job properly in questions relating to return, the return policies need be properly coordinated between the different actors on the field: it is indeed impossible for the reception staff to give clear and systematic information about the processes of return if the processes themselves are not clear and systematic.

In the following two sections, we will look at the ways in which return decisions are being implemented in Finland. Here, we will find perhaps the most crucial needs for coordination – some of which relate directly back to the role of the reception facilities.

3.2.3. Forced to return: The police enforcement of negative decisions

When the asylum seeker's application is rejected in Finland, s/he is also automatically given a return decision, and often also a re-entry ban. Before the year 1998, there were separate procedures for the decisions of rejection and removal, but this was experienced as time-consuming practice in administrational terms and, in 1998, the two processes were combined. It was also thought that, by combining the two decisions, the implementation of negative decisions would be easier and the asylum system as a whole would be less prone to exploitation. (Sisäasiainministeriö 2003, pp. 33–36.)

In the preparation of the returns directive, the possibility to combine the two decision-making procedures was also one of Finland's main concerns (HaVL 32/2005 vp; HaVL 14/2008 vp) – although this is one of the issues that ECRE, for example, has criticised (e.g. ECRE 2009). Yet, when compared to many other European countries, the Finnish returns procedure is effective in the sense that almost all return decisions are being implemented and monitored. As noted earlier, this can be perceived as a positive thing from the human rights perspective, since the system does not allow for the formation of undocumented migrant communities that are vulnerable for various kinds of exploitation in society.

In the Finnish system, it is largely the police who are responsible for the implementation of the return and removal decisions. When the asylum seeker's application is rejected, the local police will inform the asylum seeker about the decision, as well as about her/his choice to leave either "voluntarily", or by means of police removal. Here, it is also investigated, what the returnee's own disposition towards return is, whether s/he needs help in the arrangement of the travel documents, and whether s/he needs to be escorted by the police.

At this point, the police are also meant to inform the returnee about the possibility of "voluntary" return assistance and the services of IOM. This practice, however, is not regulated and the collaboration between IOM and police is presently rather poorly coordinated (Sisäasiainministeriö 2003, pp. 36, 41 ff). We will return to this in the following section.

A certain lack of coordination seems to be at place also between the police and the reception facilities. Namely, although the police send a notification of the negative decision to the

reception centre at which the returnee is registered[33], this note is not sent immediately but only a few weeks after the decision. The practice is meant to assure that the asylum seeker her/himself is the first person to hear about the decision but, especially in cases where the person lives outside the centre, s/he may have already been returned at the time the reception centre receives the information. (Ibid., p. 36.)

Regarding what was said earlier about the crucial role of the reception facilities in the preparation of sustainable returns this is not necessarily the best practice. Namely, unless the reception staff *know* the situation in their clients' asylum procedures, they will not be able to provide adequate support and information to those obliged to return. Given, that the information on "voluntary" return assistance does not always reach the returnees via the police (Sisäasiainministeriö 2003; interview material), it would be all the more important that the returnee has also other channels of information and counselling available. The reception centres would arguably form a useful linkage here.

Thus, when developing the Finnish return policies, it should be investigated how the collaboration between the police and the reception centres functions in practice, and whether return practices could be improved by improving the flow of information between the two actors.[34]

After the police have informed the asylum seeker about rejection and return, they assess the need for further actions. Often, the travel documents need be acquired from the embassy in question, and the police may take care of this – preferably in collaboration with the returnee. The police may not, however, under any circumstances disclose to the embassy that the person has applied asylum in Finland. If the returnee is not willing to cooperate in the procedure, the implementation of the decision is often delayed. Yet, acquiring the passport or other necessary documents may sometimes take several months even when the person is cooperative and willing to leave.

If the person is not willing to return on their own initiative, the police will deport the returnee. Here, it is either overseen by the police or the border authorities that s/he crosses the border (deportee unaccompanied, DEPU), or the police escorts her/him all the way to the destination (deportee accompanied, DEPA). The latter case comes into question, if the deportee is considered as a security risk during the travel; if s/he is unwilling to return; or if s/he has problems

[33] The reception centre is also informed about positive decision with a certificate stating that the person has received a residence permit in Finland.
[34] The collaboration of IOM with both these actors is equally important, and we will return to this below.

with mental health. Unaccompanied minors are always to be escorted, however, so as to ensure that there is somebody to receive her/him at the other end of the journey. (See e.g. Sisäasiainministeriö 2003, pp. 36–40.) A police officer interviewed for this study estimated that about one fourth of those being returned are accompanied by the police each year[35].

The costs of deportations are normally covered by the Finnish state, and they are being allocated from the Helsinki Police Station's finances. Normally, all deportations are conducted by flight, but those returned to Russia are bought a ticket to Vyborg, or seen across the border at the nearest border station, such as Vaalimaa.

As a rule, the police do not purchase the tickets all the way to the deportee's destination, but either to the border of the return country, or to its main international airport – normally to the capital of the country concerned. This practice is considered problematic also by the police, who sometimes see it as necessary grant the returnee some money so that s/he can reach her/his town of origin safely. Such assistance is normally considered in the case of vulnerable returnees, who have no money but would have to travel to the other side of the country after their return flight, for example.

The granting of assistance in these cases is, however, exceptional and wholly dependant on the officer in charge of the implementation. The police officer who raised this point in our seminar emphasised that there should be a more systematic procedure at place to make sure that the deportees reach their final destinations safely, and that it should not be on the responsibility of individual officers to solve these kinds of situations[36]. In fact, when thinking of concrete measures for the development of sustainable and gender-sensitive return politics, this is something that could be fixed relatively easily. And certainly, although much attention is presently paid at how "voluntary" return assistance should be improved to make self-implemented departure more attractive, a humane return politics should *also* make the conditions of deportation as dignified as possible. The dropping off of destitute deportees at the main international airports of the countries of destination is barely about dignity.

[35] Also the figures for 2009 would seem to support this estimate: by mid September 2009, 1076 removal decisions had been implemented (out of which 715 were asylum seekers whose application had been rejected). Of these, 251 had been DEPA-cases. (Interview at the Finnish Immigration Police, 16 Sept 2009.)

[36] Police officer Veijo Rissanen at the seminar "Kun on pakko palata…", University of Tampere 16 Nov 2009. (See fn. 9 for www-site.)

In Finland, returns of all foreigners without a valid residence permit are overseen by the police or the border authorities, and the measures for securing this have been regulated in Chapter 7 of the Alien's Act (Ulkomaalaislaki 3.4.2004/301). The returnee may, for example, be required to report at the police or the border authorities if s/he is suspected to abscond (ibid., 118§); her/his travel documents may be confiscated by the authorities until the departure; or s/he may be asked to tell the authorities where s/he can be reached if necessary. (Ibid., 119§.) Alternatively, s/he may also be asked to place a deposit for a certain sum of money until the return decision is being implemented (ibid., 120§).

The heaviest measure to secure the implementation of removals, however, is detention. According to the Foreigner's Act (Ch. 7, 121§–129§), a returnee can be detained if (1) s/he is suspected for absconding or otherwise averting the removal; (2) if detention is necessary for the identification of the person, and the person her/himself is unwilling to collaborate in attempts to identify her/him; (3) if it is suspected that s/he will commit a crime while still in Finland.

Finland has one reception centre for 40 persons in Helsinki (Metsälä) that is particularly designated for detention purposes. When this is full, however, the asylum seeker may also be temporarily detained in police custody (i.e. at criminal facilities)[37]. Temporary placements in police custody may also be considered justifiable if the person is waiting for removal in another part of the country, further away from the Helsinki facilities of detention.

Refugee and human rights organisations remain critical of detention, because it practically means that an asylum seeker can be put in prison-like conditions – or in actual prison – for reasons that are beyond the influence of the person her/himself (because others *suspect* her/him to abscond, for example). It also need be noted that the life in detention facilities is very passive, as "rejected" asylum seekers are normally no longer eligible for educational or other activities.

Yet, also children can be detained. This is possible as long as an authority from the social services is consulted before the decision and – in the case of unaccompanied minors – the child's legal representative has been heard. Unaccompanied minors cannot be placed under police custody under any circumstances – but, *with their guardians, also children can be held in criminal facilities*. (Ulkomaalaislaki, Ch. 7, 122§–123§.)

[37] According to one police officer interviewed for this study, the Metsälä reception centre is, at present, constantly full. (Interview at the Finnish Immigration Police 16 Sep 2009.)

While the detention of children is not a very common practice in Finland, between 2006 and 2008 altogether 79 children were recorded as having been detained. Of these, 28 children had been detained in Helsinki, meaning that at least 51 had been held in police custody elsewhere in the country. The numbers for young adults for the same period were 73 in Helsinki (reception facilities), and 87 in the rest of the country (police custody). The detention of unaccompanied minors is reported to be extremely rare, and it is normally boys between 16 and 17 years old under Dublin procedure who are suspected for absconding that can be detained.[38]

These may not be very large numbers for three calendar years – and, in principle, under police custody the detention rarely lasts longer than for four days (see Ulkomaalaislaki, Ch. 7, 123§). Yet, when thinking about return policies and vulnerable groups, the placement of minors in the detention centre or at criminal facilities – if even for a few days and with their parents – is unlikely to support a sustainable return for the child *under any circumstances*. Many an asylum seeking child has already experienced a wide range of traumatising events at a very early age, and adding to these at the point of return by closing her/him behind bars barely addresses the "best interest of the child" as coined in the international law.

To some extent, the same applies also to young adults[39], who may have left their homes at a very early age but who at the age of 18 are treated as adults. Especially in case of detention, we often talk about young *men*, whose gendered vulnerability – traumas of sexual exploitation for example – are unlikely to be addressed as effectively as that of young women. Yet, given that most returnees from Finland are men – many of whom young men – a gender-sensitive return policy would require a serious assessment of these kinds of vulnerabilities too. It thus need be particularly considered, to what extent the detention of boys and young men serves the aims of gender-sensitive and sustainable returns.

All in all, in the development of sustainable and dignified return politics for Finland and/or the EU, we want to emphasise that the detention alternative need be generally reassessed. As of now, pre-removal measures are simply meant to secure an effective implementation of return decision – and questions of sustainable return or reintegration are not adequately addressed. Yet, it being a fact that the implementation of return or removal orders normally takes several weeks, it should be considered *how this time could be best used for the benefit of the returnee and her/his*

[38] Information received at an interview with the Finnish Immigration Police.
[39] The same argument can of course be extended to apply to *any* vulnerable individual with traumatised experiences in the past.

reintegration. In the Nordic case studies below, we will discuss return-related training for example, which might be worth considering in this context. The availability of return-related training during the time of waiting could also help to address the individual needs of vulnerable returnees more effectively.

Finally, it need be noted that also from the police perspective the present practices of removal are "fragmented and logistically poor", and a police officer involved in this study points towards the lack of an open pre-removal transit centre, for example[40]. Here, again, we come back to the general need of coordination in matters of return. As we will see in the next chapter, a better coordination of return questions between the different authorities would also be likely to increase the number of "voluntary" assisted returns in Finland – hence decreasing the need of police enforcement in its different forms. Furthermore, such a development would eventually benefit all those concerned: it would not only be cheaper for the state and take off some of the pressure from the police in questions of implementation, but it would also make the conditions of return more dignified for the returnee – at best increasing her/his possibilities of sustainable reintegration.

3.2.4. Obliged to return: Assisted "voluntary" return from Finland

In principle, an asylum seeker, whose application has been rejected in Finland and who wishes to return "voluntarily", is eligible to receive return assistance via IOM Helsinki. The assistance is based on IOM's Assisted Voluntary Return (AVR) model, where the local office of IOM consults the returnee of the security situation in the area of return; makes the travel arrangements for her/him (including the necessary travel documents); assists the returnee in the airports on departure, transit and arrival; and, when necessary, makes the local travel arrangements in the country of return all the way to the destination. In principle, the returnee is required to pay for the travel arrangements her/himself, but if s/he does not have the funds for the travel, the Finnish state may bear the costs, which is most often the case. Here, it is practically either the police or the reception centre that covers the costs. (Sisäasiainministeriö 2009a, p. 45.)

Finland does not offer general reintegration support or re-establishment grants for the "rejected" asylum seekers[41]. In the Act of Integration of Immigrants and Reception of Asylum

[40] Police officer Veijo Rissanen at the seminar "Kun on pakko palata…", University of Tampere 16 Nov 2009. (See fn. 9 for www-site.)

[41] A reintegration grant worth two months of income support can only be granted to returnees with a refugee status (or other status of protection), who wish to return to their countries of origin. In addition, there are occasional programs

Seekers, it is only stated that an asylum seeker's return costs can be covered as a form of income support, if s/he is obliged to return and cannot afford to pay for the journey her/himself. This act is not, however, concurrent with the Alien's Act and, since the rejection decisions in Finland are automatically attached with removal decisions, the "rejected" asylum seekers' returns practically fall under the Alien's Act. This means that the police have the principal responsibility in the organisation of their returns/removals, and hence a smooth cooperation between the police and IOM would be vital for the AVR assistance to function properly. (See Sisäasiainministeriö 2003, pp. 41, 45 –46.)

However, as we will elaborate below, IOM's assistance at the moment is not systematically offered to all those eligible, and while there are occasional return projects available for "rejected" asylum seekers[42], these are based on project funding – hence being limited in both time and resources.

In this report, we continue to emphasise that a systematic return *politics* cannot rely on such a fragmented model, but something more permanent is required. An IOM representative interviewed for this study put this *need of a stable basis* into a metaphor of a lego house. He pointed out that it is wonderful that there are individual projects addressing the needs of vulnerable returnees and so on but, in the long run, he emphasised, even the best results of the best projects *cannot* bring fruition if there is no generic return assistance available on which to rely. Thus, the occasional projects of return assistance for him were like individual pieces of lego: constructive toys as such but, without the base mat on which to attach the pieces, useless in attempts to build something more concrete.

Indeed, just try and build a lego house without a basis on which to attach its separate elements – and all you end up with are the individual lego elements hanging in the air. Only pieces of lego – or pieces of return assistance – cannot hang in the air. A child knows that.

In principle, something like IOM Helsinki's AVR assistance could be developed to function as basis for a more systematic return politics in Finland – as the base mat for a lego house, if you like. At the moment, however, a major problem is that the returnees are not adequately

---

every now and again that provide reintegration support for selected groups of returnees. At present, for example, the Finnish Ministry of the Interior runs a RF-funded project ("Positiivinen erityiskohtelu paluumuuttoprosessissa") that provides special assistance to vulnerable returnees. The assistance also includes a grant of 1,000 EUR for asylum seekers who withdraw their application, or whose application is rejected, and who choose to depart "voluntarily".

[42] See e.g. the list of RF-funded projects at Sisäasiainministeriö 2009b.

informed about their possibilities to receive assistance if returning "voluntarily" – and this is due to various reasons boiling down to the lack of coordination between authorities.

Already in 1997, the Finnish Ministry of the Interior and IOM agreed about collaboration in questions of return. In the original decision, the government outlined that the police should prepare an agreement together with IOM that would involve details on their mutual cooperation as well as on the focus group. This agreement would have also demarcated the responsibilities of the police *vis-à-vis* IOM and voluntary returns. The aim of the agreement would have been to provide more humane conditions for the return of asylum seekers, while cutting down the costs of removals for the police. (Sisäasiainministeriö 2003, pp. 42–43.)

For some reason, however, such an agreement between the police and IOM was never made. Instead, the Ministry of the Interior and IOM draw together a document *Turvapaikan hakijoiden vapaaehtoinen paluu* [engl. *The voluntary return of asylum seekers*], which outlined the principal terms and conditions for IOM arranged "voluntary" returns. In practice, this document paved the way for the AVR assistance in Finland, as well as set out the rules for how the returnee's travel costs are covered, if s/he cannot pay for the journey her/himself. (Ibid., pp. 43–44.)

Over the 12 years that these principles have been in place, however, the collaboration between the Finnish authorities and IOM Helsinki has not become established on a very *systematic* level. In our mind, the main reasons for this are twofold: First, the model of funding for the IOM assistance is far too complicated to provide the IOM with *a stable material basis* on which to operate and, secondly, there being *no clear rules for the distribution of information* on AVR to the returnees themselves, the assistance remains fragmented rather than systematically available to all those obliged to return.

To begin with the first mentioned, the costs of return in AVR program are at present practically covered either by the reception centre, or the police – and the division of responsibilities goes as follows (ibid., p. 43):

1) *If* an asylum seeker, who has *cancelled her/his application and has consequently received the return decision from Migri*, decides to return voluntarily to her/his country of origin via IOM, the *costs to the airport* are born by the reception centre, and the *flights to the country of origin* by the police.

2) *If* an asylum seeker has cancelled her/his application *but has not received the return decision from Migri*, and decides to return voluntarily to her/his country of origin via IOM, *the reception centre covers all the costs of the travel*.

3) *If* an asylum seeker is obliged to return, but does not choose to use IOM services, *the police covers all the costs of removal.*

4) *If* the asylum seeker is *obliged to return, and chooses to use the IOM services*, the costs of "voluntary" return are covered otherwise *by the police, but the reception centre is responsible for the local travel to the airport*.

This model may be logical *vis-à-vis* the existing law and the established responsibilities of the police and reception centres in the Finnish asylum practice. However, when such complexity of funding is combined with the lack of coordination in who informs the asylum seekers about their right to return assistance (and when), the result is that the IOM services are not utilised as effectively as they could be.

In principle, the police are meant to inform "rejected" asylum seekers about their possibility of AVR when notifying them about the negative decision, especially if it is considered that the person in question is interested in "voluntary" return. The Ministry of the Interior has encouraged the police to use IOM's services but, as elaborated above, there are no official regulations or instructions to assure that this would become a systematic practice.

And indeed, statistics imply that there is room for improvement in the collaboration between the Finnish police and IOM Helsinki: By mid-September 2009, for example, 135 "rejected" asylum seekers had been returned to third countries that year. For only 20 of them, the police had utilised the services of IOM, meaning that a large majority of the returnees (85 %) had returned or been removed by other means[43].

However, even if it were a systematic practice of the police to inform each "rejected" asylum seeker about the return assistance available via IOM, receiving this information *for the first time* when hearing about the rejected application would still be too late. This is, after all, a moment of broken dreams, and the returnee may not be in the best position to respond to the information available. In this sense, it would be important for the asylum seeker to *know about the option of AVR already before the negative decision*; if this were the case, s/he might be more prepared to properly weigh her/his options at the final consultation with the police.

At the moment, however, *information about AVR assistance is not systematically available to all asylum seekers* who are waiting for their applications to be processed in Finland. In the reception centres, there are IOM brochures available about AVR, but the brochures on their own

[43] Figures from an interview with the Finnish Immigration Police, Helsinki 16 Sept 2009.

can barely guarantee that the information reaches asylum seekers evenly. In addition, some individual projects may have occasional information campaigns, and the staff may hold consultations about questions of return already during the asylum process. However, for reasons described earlier, these practices remain heterogeneous. In other words, whether or not the asylum seeker is informed about the IOM services *before* her/his asylum decision is practically dependant on occasional projects and the particular practices of the reception centre in which s/he is registered. The staff of IOM Helsinki does make information visits at reception centres every now and again – especially if there are some particular projects at place – but their resources are not presently adequate for such consultation to be systematic.

It thus seems that the most effective way to systematise the information work in Finland would be to properly *coordinate* the work of different authorities involved in the return processes so that *all* asylum seekers are consulted not only about their obligation to return, but also about the assistance they are eligible to in that situation. Indeed, in order to make the assisted voluntary return an established practice, it is imperative that questions of return – including return assistance – are integrated in the asylum process as a whole; that they are discussed openly with the asylum seeker from the point of filing the application until the final decision, and beyond. To make assistance more systematic will arguably require additional and continuous funding for return support, but then such investments are likely to also save money in forced departures – while making obliged returns more humane.

3.2.5. Return: From domestic asylum politics to Finnish/European politics abroad?

While improving the coordination of return-related work of those authorities, who already directly deal with issues of return and asylum, it is imperative to bear in mind that the return of "rejected" asylum seekers connects, in a straight line, the domestic politics of asylum to the politics that Finland purports abroad. This is because returnees never cross borders in a vacuum, but their moving back to the societies of origin has direct implications not only on their own life – or the Finnish asylum system – but also on the society s/he re-enters (e.g. Black *et al.* 1998; also Hammond 1999). Furthermore, since Finland as an EU member state no longer has a truly national politics at home or abroad, the same applies to the European Community as a whole.

Given the lack of coordination amongst the asylum authorities on questions of return, it is barely a surprise that, at the moment, the Finnish return/asylum policies are not much in sync with the Finnish missions abroad. At a certain level of course, the Finnish and European asylum policies are already being implemented outside the borders of both Finland and the EU: In the EU level, examples can be found in the activities of Frontex, for instance, and also the Finnish asylum authorities have extended its activities to third countries. The Finnish border authorities, for example, have consulted the personnel of Turkish Airlines in Istanbul, on how they should delimit the boarding of potential Chechen asylum seekers on flights to Finland – hence undermining the *right* to seek asylum in Finland/Europe (*Helsingin Sanomat* 20.11.2009; *Helsingin Sanomat* 4.12.2009). Migri, in turn, has only recently sent an employee to Ethiopia, one task of whom is to prevent irregular migration from Africa to Europe (Maahanmuuttovirasto, 12.6.2009). These measures are, of course, more about strengthening the walls of the "fortress Europe" than improving the policies of asylum and return – and hence *not* the kind of politics we support.

However, there are two particular fields of Finnish and/or European politics that we would like to draw increasing attention in the debates regarding return. These are the missions of civilian crisis management (CCM) on one hand, and international development cooperation on the other, that both directly connect the domestic questions of asylum/return to issues of global politics.

For example, at the time of writing this report, there is a Finnish team with 26 staff members participating in the international CCM mission in Afghanistan[44], hence working towards the establishment of a stable and democratic society in the conflict-torn country. At the same time, Finland is also looking into ways of returning asylum seekers to the very same society – even talking about a somehow viable "internal flight alternative". And both these policies, crisis management and return, are largely developed on a wider European level. When judged from a comprehensive perspective, this is controversial politics at best.

International Crisis Group (ICG), for example, has reported that the return of refugees to Afghanistan is directly contributing to rising poverty, unemployment and criminality. Especially young and uneducated male returnees – a profile that fits to many a returnee from Europe also – risk being recruited to the insurgency, hence adding to the militarisation and insecurity of the

[44] Figures from Kirsi Henriksson's presentation in the seminar "Kun on pakko palata…", University of Tampere, 16 Nov 2009. (See fn. 9 for www-address.)

country. Furthermore, land disputes caused by resettlement attempts of the internally displaced constantly risk sparking ethic and sectarian violence. (ICG 2009.)

These kinds of developments certainly do not serve the aims of civilian crisis management. As far as we know, however, there is no research available on the linkages between the European CCM and asylum policies but, when aiming at the development of *comprehensive* politics of return, these are certainly questions that need be considered. One might provocatively ask, for example, how the CCM mission benefits from the return of a "rejected" asylum seeker, who has no money or any other means of sustainable reintegration – or who, in her/his negative asylum decision, is considered as capable of using the "internal flight alternative" yet ends up in a cycle of internal displacement. Is not her/his return, on these terms, in direct conflict with the aims of civilian crisis management that aim to establish a stable and democratic society? If so, are not the two Finnish/European policies – asylum/return practices on one hand and crisis management on the other – undermining each other's aims? If so, could not a comprehensive view on return help to dilute this incompatibility?

These are open-ended and provocative questions that call after a holistic understanding of Finnish and European politics in general. This report is not the place for answering the call.

However, it is worth pointing out that the Finnish strategy for civilian crisis management *already* recognises, at least nominally, the need to form a comprehensive picture of its missions; that is, a picture that takes into account different aspects of operations from gender to human rights to humanitarian assistance (e.g. Sisäasiainministeriö 2008, Ch. 3.4. and 4.3.; Ulkoasiainministeriö 2009). Here, we argue that if a similar aim was placed for asylum and return policies we would soon notice that it is, in fact, the very same picture that both the fields are trying to holistically comprehend.

And the same applies also to the aims of development cooperation.

In the United Nations, the linkages between development and migration have been recognised and were particularly addressed in the High Level Dialogue on International Migration and Development in 2006, which Finland also participated. The European Union even prepared a common stand for the Dialogue, emphasising the need to integrate the questions of migration in development strategies of both donor countries and those receiving aid. (Ulkoasiainministeriö 2006; Council of the European Union 11740/06.) Finland has also participated in an *ad hoc* working group of the Global Forum on Migration and Development (GFMD), which has called for

more policy coherence on migration and development (GFMD Informal Expert Group 2007; GFMD Informal Expert Group 2009), and in its 2007 Development Policy Programme the country recognised both internal and international migration as issues of development (Ministry for Foreign Affairs of Finland 2007).

However, in these discussions, the debate on migration and development largely evolves around situations where the migrant already has a residence permit in a Western country, and can hence move between her/his country of origin and the new home country on a genuinely voluntary basis. Or, the emphasis is on the economic and social benefits of migrants to both countries of origin and destination, on international remittances, and so on. While forced migration is touched upon – when talking about irregular means of crossing boundaries, human rights, or the fight against human trafficking for example – the *return* of "rejected" asylum seekers is mentioned only briefly, if even then. (E.g. GFMD Informal Expert Group 2007; GFMD Informal Expert Group 2009; Ulkoasiainministeriö 2006; Council of the European Union 11740/06.)

And yet, the returns of asylum seekers are more or less always intertwined with issues of development. Namely, given that the returnees do not move in a vacuum, their arrivals in areas of origin always interfere with the social strata of the local community (e.g. Hammond 1999; Black *et al.* 1998). While it is imperative from the viewpoint of sustainable returns that the returnees are given adequate support for reintegration, this support – be it education, cash grants, or help in putting up a business – is also bound to bring imbalance to the local economy, especially if that economy is generally poor. In the eyes of those who have stayed put – and may have exactly the same economic needs as the former asylum seekers – the return assistance may in fact appear as an unequally distributed advantage that makes the returnees better off than others living in the area. In post-conflict Bosnia, for example, such situations have reportedly caused envy and antipathies amongst the local population, making it difficult for the returnees to get jobs, for example (Black *et al.* 1998). In cases like this, the assistance given to returnees may in fact be counterproductive to the intended aim of reintegration.

However, if questions of return and development were thought in a more comprehensive manner, these two fields of policies could also serve the same goals. Black, Koser and Walsh, for example, have noted that those return-related projects that invest not only in the assistance to returnees but also in the general development of the areas of return gained the most sustainable results in the long term. (Black *et al.* 1998.)

Thus, to sum up, a returnee equipped for a sustainable reintegration is arguably more beneficial to the society as a whole than if s/he would be if arriving without any means to maintain her/himself. Yet, ensuring this alone, without taking into account the impact that the returns have in countries and areas of origin, can be counterproductive. What is required is a more holistic approach that considers the questions of return, civilian crisis management *and* development, side by side.

Indeed, we believe that such an approach would help to make the Finnish and European politics *as a whole* more responsible and concurrent *within itself*, so that the *allegedly* domestic asylum/return policies would not undermine the ambitions of other fields of international politics. We acknowledge that all these linkages require further research, but simultaneously maintain that they should be taken under serious consideration when developing sustainable asylum and return politics for Finland, as well as for the EU as a whole.

3.3. The Finnish approach: Concluding remarks and some gender aspects to consider

In this chapter, we have looked at the Finnish approach to the return of "rejected" asylum seekers and argued that, while the return questions touch the responsibilities of all authorities dealing with asylum, the responsibility of return politics *per se* seems to be of nobody's business. The main reason for this is that the work of the different authorities in the reception, asylum and return process is not properly coordinated – especially when it comes to the organisation of sustainable and dignified returns. Although IOM Helsinki has offered its services in Finland since the late 1990's, the lack of coordination combined with the lack of systematic funding of IOM's AVR assistance has lead to the point that there is no systematic assistance available.

Such a situation is of nobody's benefit: First of all, the lack of systematic return politics means that the returnees are not adequately prepared so that they would have reasonable changes of reintegration once back in their country of origin. This directly undermines the sustainability of returns, hence undermining also the goals of international development cooperation and crisis management. Furthermore, even though IOM or other assistance is occasionally offered to returnees so as to make their departure more dignified, the lack of systematic approach means that this assistance – or information about it – is not equally open for all those concerned.

As far as gender-sensitivity of return policies go, this also means that individually tailored assistance is given only occasionally – and hence it is not possible to trace the gendered vulnerabilities of returnees, let alone respond to their needs on an individual basis. And this is much what gender-mainstreaming would mean in the case of returnees: that each returnee's situation is assessed from the point of view of her/his gender in the particular context of return – and if it appears that her/his gendered position puts her/him under specific risks, then those risks need be minimised through the forms of assistance offered. If there is no generic model of return assistance available, or consultation about questions of return throughout the asylum process, it is unlikely that such vulnerabilities can be effectively traced and responded to.

The lack of systematic approach to return is also a sheer waste of money. Namely, not only do the police implemented returns undermine the dignity of returnees, but it is also four times more expensive than the so called "voluntary" returns (EMN 2007, p. 18. See also Åkerberg et al. 2003; Strand et al. 2008, p. 3). In Finland, the strong role of the police in the organisation of returns also requires a heavy input of police resources in immigration matters – and hence resources away from actual matters of crime. In this sense, the lack of coordination in matters of return bears implications that cut through the entire society.

However, that the Finnish approach at the moment consists of uncoordinated pieces of lego without a basis on which to attach them does not mean that nothing is being done. Instead, there is presently a wide range of initiatives at place that seek to address the question of return.

First, it need be noted that the inadequacy of coordination in matters of return was analysed in detail already in 2003, in a Ministry of the Interior report on "voluntary" returns (Sisäasiainministeriö 2003). Already then it was noted that, because of the fragmented practices, forming a comprehensive picture on policies of return was difficult, if not impossible (ibid., p.45). It was also noted that the information on return questions does not flow between different authorities and IOM, let alone from authorities to the returnees (ibid., p. 48); and that the system of funding the "voluntary" returns is complex (ibid., p. 43).

Already then, the working group suggested a range of viable changes that would have made the Finnish approach more systematic. It was suggested, for example, that an article on return be added in the Alien's Act (ibid., p. 51); that clear information on the choice of "voluntary" return be given when informing the asylum seekers of negative decisions; and that the authorities responsible be clearly instructed about this by the Ministry (ibid., p. 54). It was also suggested that

that questions of return be accounted for in the Act of Integration of Immigrants and Reception of Asylum Seekers, and that this law be made concurrent with the Alien's Act (ibid., pp. 41, 45–46, 55). Similarly, it was recommended that the travel costs of the returnees be covered all the way to the destination (and not just to the airport of the country of origin), and that information on return be given to asylum seekers by different authorities all through the asylum process (ibid., pp. 55–56).

All the above are suggestions that this report, too, could make – since, it seems at least, *nothing* has been done for the suggestions since they were made six years ago.

At the moment, however, the time seems to be ripe for the development of return politics also in Finland. The implementation of the returns directive is under preparation, and it should be integrated in the national legislation by 24 December, 2010. The Alien's Act is subject to change also on other terms in 2010, as well as the Act of Integration of Immigrants and Reception of Asylum Seekers, which will be divided into two (one act regulating the matters of integration and the other the reception of asylum seekers). It is not clear, to what extent the directive becomes implemented in the Alien's Act, and to what extent in the Acts of Reception and Integration. In any case, the return questions will now be integrated in the legislation, and those preparing the changes should be aware of the need for better coordination in these matters.[45]

In fact, in a Ministry of Interior 2009 report on asylum politics, it was recognised that there is a need for a single coordinating body in the organisation of return, and the working group suggested that this task be given to the new unit in Migri that is responsible for the reception of asylum seekers (Sisäasiainministeriö 2009a, p. 15). The working group also suggested that a particular transit centre be established in Finland, the responsibility of which would be to prepare and coordinate returns of "rejected" asylum seekers. In the report, also the linkages of return with development cooperation were recognised, and it was suggested that, as part of the Finnish development cooperation policy, the areas of origin be reconstructed and assisted[46].

Indeed, on the basis of the present initiatives it would seem that a lot is happening at the moment in the development of the Finnish return politics. From the point of view of gender and

[45] Salla Konsti from the Ministry of the Interior in the seminar "Kun on pakko palata…", University of Tampere, 16 Nov 2009.

[46] While this initiative is to be welcomed for its recognition of the bigger picture of return, it need be noted that some NGOs have criticised the idea that money reserved for international development assistance would now be spent in asylum politics. We see this criticism as viable, as channelling development cooperation to areas where Finland receives most of its asylum seekers could, in this model, mean that projects with some our present partners could no longer be supported.

sustainable returns what is crucial at this moment of time, therefore, is to ensure that the initiatives aim at a *systematic* basis of return assistance that cuts through the entire asylum process. This is because only a stable basis of return politics allows for the offering of *individually tailored* assistance that can detect the different kinds of gendered vulnerabilities as well as respond to them effectively. And yet, it must be constantly born in mind that a just return politics can only begin from just asylum decisions – where questions of gender remain as important as ever.

4. TOWARDS A MORE SYSTEMATIC APPROACH: THE SWEDISH EXAMPLE

In this chapter, we will overview Swedish return policies as an example of a more systematic approach that perceives return not only as an event or removal, but rather as a process that begins with the asylum claim.

In the first part of the chapter (4.1.), we will first look at some facts and figures relating to the Swedish asylum and return politics. In section 4.2., we discuss the ways in which Sweden perceives questions of return as an integral part of the asylum process. Here, also the division of responsibilities between different return-related authorities are briefly overviewed. We then turn towards what we see as the core idea in the Swedish thinking of return: that is, its "two-track" approach to *integration,* which is elaborated in part 4.3. In the final and concluding section, we will draw together the Swedish case study, as well as point to some gender aspects in the discussion.

4.1. Facts and figures

When compared to Finland, Sweden has much longer experience in the reception of asylum seekers, and also its annual number of asylum applications remains many times higher. This partly also explains, why the Swedish thinking of return is more advanced than that of Finland.

In 2008, for example, Sweden filed over 24,000 applications, whereas Finland filed just over 4,000. Iraqi applicants have for years formed one of the biggest groups in Sweden, with nearly 6,100 Iraqi asylum claims in 2008. (In Finland the number of Iraqi applications was 1,255 the same year.)

In 2009, however, the number of Iraqi applications decreased drastically, with less than 1,900 new cases lodged by December 2009. (Ibid.; Migrationsverket, 9.12.2009.) In contrast, while the number of Afghan asylum seekers in Sweden has been relatively small when compared

to some other nationalities – such as Somalis or Iraqis – their number increased significantly in 2009; up to 1,330 applications by December, when there were not more that 741 in 2008, and only 416 in 2007. (Ibid.) The same trend of increase shows also in Finland, however, where 413 asylum claims had been lodged by Afghans by the end of November 2009, as opposed to 254 in 2008. The number of Iraqi applications in Finland has remained approximately on the same level as the previous year, however. (Maahanmuuttovirasto 2009d.)

Yet, while the number of asylum applications in general continued to increase in Finland in 2009, in Sweden the trend was the opposite: by December 2009, Sweden had filed 21,300 asylum claims – that is, 3,000 applications less than in the previous year. (Migrationsverket, 9.12.2009.)

The number of unaccompanied minors applying for asylum in Sweden, however, remains on the increase. By December 2009, nearly 2,000 unaccompanied minors had claimed asylum in the country, which means a 50 percent increase when compared to the previous year. (Ibid.)

Like in Finland, also in Sweden, a large majority of asylum seekers in general are male; 65% in 2008, for example (Statistiska centralbyrån 2009). For our two countries of interest, this percentage is, in fact, slightly higher, with 72 % of Iraqi asylum seekers in Sweden being men in 2008, and 73 % of those from Afghanistan.

As for return policies, Sweden had a tripartite readmission agreement with Afghanistan and UNHCR from 2006 to April 2009, but this has not been renewed. However, a Memorandum of Understanding between Sweden and Iraq was signed in February 2008, which is still in force. Between 2006 and 2008, 203 persons returned "voluntarily" from Sweden to Afghanistan, and 3,625 to Iraq. During the same period, 34 Afghans and 125 Iraqis were deported by the police. (Sisäasiainministeriö 2009, pp. 22, 23; email correspondence with an MVI staff, 27 Aug 2009.)

As for the implementation of the rules of CEAS, from 1 January 2010, the Swedish Alien's Act has been amended to fulfil the requirements of the EU's Asylum Qualification Directive and Asylum Procedure Directive (Migrationsverket, 30.12.2009). Regarding the returns directive, however, also Sweden will have to make its national legislation concurrent with the directive in the course of 2010, and it remains to be seen, how this affects the Swedish policies of return.

4.2. Return as an integral part of asylum process and the division of responsibilities

First, as regards terminology, it need be noted that the official Swedish return discourse makes a clear distinction between *repatriation* that is purely voluntary in a sense that the person in question also has a right to stay in Sweden if s/he wishes to do so, and *return* that is obligatory in a sense that the person no longer meets the legal conditions to reside in the country. To quote a 2006 report on the Swedish approach to return: "In [the latter] cases *the return is considered independently enforced* if the migrant *voluntarily complies* with the return decision of the authorities", *but it is not considered voluntary* in the strict meaning of the term. This, in turn, "is due to the fact that the concerned party might not wish to return, but *is offered no other alternatives*." (Jonsson & Borg 2006, p. 14, our emphasis.)

As was elaborated in the first chapter, we hold this approach valuable, since – unlike the terminology of the EU returns directive – this distinction allows us to speak about return questions unambiguously on their own terms and hence in a more trustworthy manner.

In other ways too, a range of lessons can be learned from the Swedish approach. Namely, while in Finland we are only starting to think about return policies as an integral part of asylum politics, in Sweden the discussion has been active for over a decade, also with some concrete results.

Already in 1998 the Government proposal *Verkställighet och återvändande – en del av asylprocessen* (Regeringens proposition 1997/98:173, hereafter Prop. 1997/98:173) brought about changes in the Swedish Alien's Act, the aim of which was to think of return questions holistically as a part of the wider asylum process. Here, a major change was that the implementation of returns was transferred from the police to the Swedish Migration Board (*Migrationsverket*, MIV) (ibid., pp. 6, 8 kap., 11§). MIV being responsible of also other elements in the asylum process, this change allowed for a better integration of return questions with asylum policies. By so doing, the change also helped to think about return in a more holistic manner as well as to improve the coordination of "voluntary" return.

Consequently, since 1 January 1999, MIV has been the primary coordinating body in the return of "rejected" asylum seekers and only in cases where the returnee is unwilling to comply with the removal decision is the implementation transferred to the police (who also have coercive means to enforce the decision). (Ibid., pp. 34–38, 40–45; Åkerberg & Köhl, p. 4.)

This division of labour is effective in return questions in the sense that the coordination of return assistance becomes easier when the responsibility thereof lies with a single authority. As described above, the lack of such coordinating body is one of the biggest problems in the present Finnish system, where return questions come close to many authorities' responsibilities, yet systematically belonging to anyone.

However, the downside of the Swedish system (where "voluntary" or independently enforced return is the responsibility of MIV and forced return of the police) is that when the case of a single returnee is transferred over to the police, it is difficult if not impossible for it to be returned back to the "voluntary" track of MIV[47]. This is so also in the case of misunderstandings where, for example, a person is presumed to have absconded and is therefore reported to the police, but is in fact still living in her/his apartment known to the MIV staff.

Due to resource shortages, such misunderstandings do take place (Åkerberg & Köhl 2003, p. 9), and an asylum seeker may become forcibly deported even though s/he would be willing to return "voluntarily", hence being eligible to the assistance that this choice involves. It is similarly problematic that there is a wide variance between individual authorities' tendency to hand over cases to the police (ibid., p. 10), and hence asylum seekers whose applications have been rejected are not always treated equally as far as "voluntary" return assistance is concerned.

Thus, regarding the division of responsibilities in questions of return, one could tentatively conclude that, while it is beneficial to concentrate the responsibility for the coordination of "voluntary" returns to a single authority, the division of labour should not be too rigidly carved on administrational limits. Instead, in order to offer a genuine choice of independently enforced return for all "rejected" asylum seekers, and so as to provide the assistance involved in this choice on an equal basis, there is a need for (a) a single coordinating body of returns, but also for (b) a constant dialogue and collaboration across institutional and administrational boundaries.

As for the concrete return assistance offered in Sweden, there are a range of return programs available to "rejected" asylum seekers but, as in Finland, these programs tend to be project based and hence limited in funding and resources.

The basic return assistance – involving information and counselling, assistance in the organisation of travel documents and so on – is offered through IOM Helsinki, which also occasionally offers extended return programs for particular groups of returnees (e.g to particular

[47] Interview with IOM Helsinki staff, October 2009.

nationalities). IOM operates in cooperation with the MIV, and the extended support has normally consisted of cash grants paid upon arrival. We will come back to the "extended reestablishment support" below, in Ch. 4.3.2.

In addition to the support offered via IOM, the Swedish authorities as well as individual NGOs have utilised the EU Return Fund effectively for the development of authorities' return related activities as well as for specific projects of return assistance (see Migrationsverket 2009). An extensive model of return and reintegration program, for example, is offered by the NGO *Göteborgsinitiativet*, which provides individually-tailored vocational training to Somali returnees already before their departure from Sweden, as well as assists them in job-finding after the return. The NGO makes use of different kinds of organisational networks both in Sweden and in Somalia and, in its project design, attempts to account for developmental influences of the returns, as well as for crisis management.

We do not regard returns to Somalia as such justifiable let alone recommendable under the present circumstances. However, this particular project's model of assistance provides a good example of *comprehensive* return and reintegration support that takes into account both the needs of the returnees, as well as international dimensions of the return process, such as crisis management and development cooperation. We will discuss these themes in more detail later in the report – and hence will not introduce the project here any further. Yet, we would recommend the Finnish authorities find out more also about the work of Göteborgsinitiativet, when thinking of sustainable return policies for Finland. (See Walter 2009.)

Here, it need be noted however, that also in the Swedish return programs, assistance as a rule is provided only to those returning "voluntarily". This means that, in Sweden too, the assisted voluntary return programs tend to involve an element of incentive and punish: Those who choose to return "voluntarily" are rewarded for their choice, while those who do not comply – perhaps because of a concrete and well-founded fear – are punished by cutting them off from all reintegration support. We continue to emphasise in this report that, for the development of sustainable and responsible asylum politics, this is a division that need be seriously reconsidered.

4.3. The Swedish two-track approach to integration

4.3.1. Return as a process

In spite of the rather strict boundary between the implementation forced and "voluntary" returns, Sweden's approach is exemplary for its holistic thinking as far as policy level is concerned[48].

As noted above, the 1998 Government Proposition emphasised the requirement of a comprehensive picture to be a fundamental principle of Swedish migration politics (e.g. Prop. 1997/98: 173, p. 17). In return questions this has come to mean that support for and information about independently enforced return is to be given all through the asylum process, and today Sweden applies a "two-track" approach to return. A 2006 report on Swedish return policies defines this as follows:

> The Swedish MIV adopts a *two track system* when it comes to return as a result of a rejection or expulsion decision. This means that *the applicant should be prepared both for being allowed to stay in Sweden and for being rejected*. Hence, the process of return constitutes an *integral part of the asylum process, where integration is the keyword*. The MIV is to inform and prepare the alien for two different scenarios. The first scenario is that the application is granted […], [b]ut *also in the second scenario, i.e. the rejection of […] application, integration is important.* (Jonsson & Borg 2006, p. 6, my emphasis.)

Compared with the Finnish system, where return is largely understood as the *event* of going back or being removed, this approach is valuable in that it understands asylum seeking and return as part of one and the same *process*.

In the Swedish official position it has in fact been prompted that the politics of return should begin *already in the country of origin*, and hence *before* the person even departs for Sweden (see Prop.1997/98: 173, p. 17). While it must be recognised that there are always grave reasons for a person to leave her/his home to seek asylum, the proposition emphasises that Sweden should distribute adequate, accurate and understandable information about grounds by which a person can successfully apply for residence permit in the country. Such a requirement places the responsibility of return questions not only on the migration authorities of MIV but also on the Swedish representation abroad – on embassies for example – hence making return and asylum

[48] We want to emphasise that this report focuses on the analysis of *policies.* An analysis of the practical implementation and functionality of these policies on the grass-roots level would require more in-depth research than has been possible here.

questions that cut through the boundaries of domestic and foreign politics. (See also Åkerberg & Köhl 2003, pp. 5–6.)

Here, it can be speculated that, in the Swedish case, the possibility to perceive return and asylum as questions of both domestic and foreign politics might be better enabled also by the existing governmental structures where MIV is placed under the Ministry of Foreign Affairs, hence having closer contact with the Swedish representatives overseas.

In Finland, the asylum process is dealt with under the Ministry of the Interior. It may well be that this structure of governance makes it less "natural" for the Finnish immigration authorities to account for the linkages that exist between asylum/return policies on one hand, and foreign/international politics on the other. But then, in the Finnish system migration issues *are* placed under the same ministry as questions of civilian crisis management – hence making it at least theoretically possible to coordinate these two spheres in the Finnish presence abroad. As stated earlier, no such coordination exists at the moment, and hence this kind of speculation regarding administrational boundaries would require further research to be conclusive.

4.3.2. Forms of return assistance in the two-track system

While distribution of adequate and accurate information in countries of origin may form one part in a holistic understanding of return, from the point of view of *actual* returnees the Swedish two-track policy concretely begins only after the asylum seeker (*potential* returnee) has arrived in Sweden and applies asylum.

Here, the two-track support of return consists of four elements altogether: (1) information and counselling regarding questions of return; (2) practical assistance in travel arrangements; (3) training activities meant to prepare for the person's integration or reintegration to society; and (4) financial assistance. This support is provided first in Sweden (during the asylum process and once the negative decision has arrived) and later across the Swedish borders (during and sometimes also after the return journey). (Jonsson & Borg 2006; Åkerberg & Köhl 2003.)

In the two-track asylum process, the information and counselling regarding return should begin as soon as the asylum application has been filed, and the first talks are conducted in the asylum and transit units. In cases of a negative asylum decision, the talks continue with an aim of finding out how the asylum seeker her/himself views the obligation to return, and also the journey

to the country of destination is to be planned in cooperation with the returnee. (Jonsson & Borg 2006, pp. 71–72.)

In these talks, a central aim is to provide the returnee with adequate information on the situation in the country or area of destination. While it should be imperative that the information is correct and realistic, experience has shown that, due to misunderstandings in the talks or lack of accurate knowledge amongst the authorities, this is not always the case. Åkerberg and Köhl (2003, pp. 6–7), for example, have reported about cases, where the returnees later felt to be misinformed about the actual situation in their countries of origin, which had lead them to have false expectations about life after the return.

Furthermore, while it is certainly important for the asylum seeker to know about her/his options – what ever the result of the application – the problem in the two-track approach to return counselling is that the asylum seeker is often not receptive or willing to discuss about return before the final decision has come (e.g. Brekke 2004). According to Åkerberg and Köhl (2003, p. 8), authorities responsible for discussing the options have also felt that the grounds for conversation are not exactly optional at this point of the process, and they feel they do not have enough resources to uphold the conversation in a continuous manner throughout the asylum process.

A tendency to *not* confront the asylum seeker with the possibility of a return is also implied in Brekke's (2004) study about the asylum seekers' waiting period in Sweden. In his interviews with asylum seekers he noted that attempts to talk about return scenarios provoked extremely emotional reactions – as if the asylum seekers had not been confronted with the issue seriously before. On the basis of these experiences, Brekke (p. 31) notes that, perhaps, "there is a *hope for the best* attitude" among the people with whom the asylum seekers are in a regular contact.

Of course, there is nothing wrong with such an optimistic attitude. However, if this applies also to the MIV staff responsible of the return talks in that they avoid discussing return, it would seem that the implementation of the two-track policy does not entirely meet its goals to provide the asylum seekers with realistic information about their potential futures.

Yet, for reasons of equality, it should be imperative that the returnees are given the same information about the assistance available to them – regardless the region of the country in which they are accommodated, the language they speak, or the particular authority with whom they deal. This is because a smooth operation of the concrete assistance *at the time of return* largely depends on the successful distribution of information *already before* the final decision of rejection.

As for potential suggestions of improvement, the Swedish migration authorities have also reported that conversations regarding return during the asylum process might be more meaningful, if they had something concrete to offer for the returnees – and not just the information that in the case of a negative decision one is obliged to leave, either on their own initiative, or forcibly with a police escort (Åkerberg & Köhl 2003, p. 8). While it need be noted that this observation is from a 2003 study – and hence the situation in this respect might have well improved since – on a more general level the point remains valid: that the migration authorities can provide genuine support and counselling in return questions, they will also need concrete tools of assistance which to offer.

Such lack of concrete measures of assistance, however, implies about a problem that prevails also in Finland. Namely, while in Sweden too there are a range of *occasional projects* of return assistance available, they are *by definition* limited in time and scale. This means that there is no *systematic* return assistance available to which the authorities could refer when discussing the potential options with their clients.

As for the organised activities and training available in Sweden during the asylum process they are meant, on one hand, to prepare the asylum seeker to integrate in the Swedish society in case of a positive decision, but also to assist the reintegration to the country of origin when the decision is negative (Åkerberg & Köhl 2003; Jonsson & Borg 2006; Brekke 2004; Prop. 1997/98:173).

These activities begin after the asylum application has been filed, and they consist of two parts. During the first six months, each asylum seeker is to be provided a basic education in Swedish language and society, after which a more individualised plan is to be drawn[49]. Here, the individual needs and interests of the asylum seeker are to be taken into account, and the activities can consist of different kinds of occupation-oriented courses, participation in working life and so on.

In the Swedish policy, it is perceived that all the skills gained in the organised activities will eventually support and empower the asylum seeker for integration regardless of the final decision; either in the Swedish society or in the society of return. However, once a negative decision is given, the training is geared more towards the kind of skills that are likely to support a sustainable return. In these return-related courses, the aim of MIV is to provide a minimum of ten

[49] The emphasis on individually adjusted activities were emphasised already in the 1998 Government proposal, but this has not always succeeded as planned. (Åkerberg & Köhl 2003, pp. 12–13.)

hours per week of activities for all the asylum seekers whose application has been rejected[50]. Where this type of education is offered, participation is obligatory and indeed a prerequisite for receiving financial support while still in Sweden.

Return-related education is arguably a good thing – especially if it is tailored to support the special needs of the individual in a way that meets her/his personal inclinations and fits the realistic situation prevailing in the society of destination. Indeed, the provision of relevant *skills* to the returnee so that s/he is capable of supporting her/himself after the return is one of the major requirements in sustainable return politics – and, when the gendered needs of the individual are properly taken into account, this approach is also potentially gender-sensitive.

However, in the Swedish case it seems that return-related education is a useful practice that benefits some, but certainly not all the returnees – and hence one cannot speak about a truly systematic policy that would treat the returnees equally. Namely, the Migration Board's return-related education is *not* available throughout the country, and there is no national plan as to what these courses should entail. There is a set of over-all frames provided by the MIV, but the final contents of the courses are to be decided by the private companies that offer the courses. (See Jonsson & Borg 2006, pp. 71–73.) In addition, also occasional programs of return assistance provide return-related training (as elaborated earlier), but also these are project-based and not open to all returnees.

As for financial assistance, since 1 August 2007, the Swedish Migration Board has provided financial "support for reestablishment" for those asylum seekers who are returning to countries where reestablishment is considered difficult because of the insecure situation there. Originally, the countries or areas included were Iraq, Afghanistan, Somalia and Gaza, but as of 1 November 2009, another twenty countries or were added on the list, which now includes a number of African countries, Yemen, Chechnya, and some regions in Kosovo, for instance. The size of the reestablishment support is 30,000 Swedish crowns (approx. 3,050 EUR) for each adult (aged 18 or over), half of that for each child, and a maximum of 75,000 crowns (approx. 7,600 EUR) for each family. The support is channelled via IOM, and paid in US dollars after the arrival in the country of destination. (Migrationsverket 2008; Migrationsverket 1.12.2009.)

[50] Those asylum seekers, whose cases are considered as "manifestly unfounded", or are to be swiftly removed under the Dublin protocol, are provided this type of "return-related education" at the very outset of their arrival. Jonsson & Borg 2006, p. 72.

However, we will emphasise in this report, while having some money is certainly an essential prerequisite for a returnee to re-establish her/himself, on their own, one-off cash grants do not make returns sustainable. This is largely because a certain sum of money only lasts for so long, and the returnee must also have other, more sustainable means to support her/himself and the family. Here, having vocational skills, connections to local employers or assistance to pursue entrepreneurship for instance are much more stable grounds to build a future upon. We will return to this in the case studies of both Norway and Denmark.

4.4. The Swedish approach: Concluding remarks and some gender aspects to consider

As for conclusions on the Swedish two-track system, it can certainly be thanked for its pursuit to see return as a process rather than as an event. The system has, however, been criticised for putting too heavy a burden on the Migration Board's personnel in its realisation. It has also been experienced to be emotionally straining and ambiguous for asylum seekers, who need to be constantly be prepared for two different kinds of future.

But then, that is the reality of asylum applications – the applicant is either allowed to stay or obliged to leave (see Brekke 2004) – and it is important that accurate and consistent information on both the scenarios is available throughout the asylum process. However, it has been argued that, for the two-track system to function in a more humane way, the asylum processes – and hence the time of waiting for the asylum seekers – should be not be too long (e.g. Jonsson & Borg 2006).

While the MIV is the primary coordinator of assistance in the Swedish system, it does not operate on its own. In the organisation of return assistance, it is meant to closely collaborate with IOM as well as relevant national and international NGOs. In the travel arrangements before and during the return journey, for example, IOM Helsinki is a central associate – as it is in Finland. Similarly, a range of national and international NGOs collaborate with MIV by offering their own tailored return programs. This kind of collaboration of MIV with other institutions relevant to return is being encouraged as part of the official policy in Sweden (e.g. Prop.1997/98: 173, pp. 52–57; Åkerberg & Köhl 2003), and a similar should be effectively applied also in Finland.

However, for the collaboration between states and NGOs or organisations such as IOM to be systematic and continuous, there is a need of sustainable funds reserved for return questions. It cannot be emphasised enough that a sustainable return politics requires a more reliable basis than

occasional projects of return assistance. To some extent, this note seems to be valid also for Sweden.

Unfortunately, there was not much data available on the gender aspects of the Swedish model, and we did not have enough resources to dig into the question in any detail in the few months time that we had for preparing this report. However, the holistic view on return that Sweden purports, and especially its principle of individually tailored training in the asylum process, forms a valuable starting point for the gender-sensitive return politics we are trying to conceptualise in this project as a whole.

Of course, on their own, the models of individualised training or comprehensive picture on return are not enough to guarantee gender-sensitivity. First, it should be ensured that the individually tailored assistance on return – and information upon it – are available throughout the country, and through different channels that reach all returnees regardless of their family status, age, or sex. It is also imperative that the staff responsible for consulting the asylum seekers about questions of return have sufficient training in the different kinds of gendered vulnerabilities that different kinds of returnees may face upon their return. This requires not only country and culture specific knowledge, but also a capability to question the existing gender categories and understand each particular returnee's gendered position in different social trajectories (e.g. family, age, sex, class, and so on).

For the desired effects of return and reintegration assistance, it is indeed imperative, that gendered vulnerabilities are accounted for already at the time of planning. When offering return-related training, for example, it need be noted that gender plays a major role in what kinds of occupations and means of support can be utilised by any one returnee upon her/his return. Not everyone can efficiently make use of their skills in the labour market unless some additional support is provided. How this applies to different gendered groups of returnees in Afghanistan and Iraq, will be a question we clarify in detail in the second phase of our project.

To sum up the Swedish approach as a whole, the most positive aspect is that it aims at a comprehensive and systematic return politics that perceives return as a process with both foreign and domestic dimensions, while cutting through the entire asylum process. However, for the time being, the Swedish return assistance too, seems to largely rely on individual programs that are limited in time, scope and focus group. This means that the Swedish asylum politics – and the concrete assistance provided – also seems to lack a thoroughly *systematic ground* on which to

build and about which to distribute consistent and accurate information to all asylum seekers regardless of their origin. Such ground is also necessary for the development of gender-sensitive policies, as these require an equal access to information and assistance for all returnees.

Yet, while Sweden too may have its way to go in attempts to realise its holistic approach in practice, it seems to be well ahead Finland on the level of debate and insights devoted to the questions of return. Thus, when developing the Finnish politics of return, the Swedish case is worth following in much more detail than could be done in this report.

5. NORWAY – CAPABLE OF BUILDING THE LEGO HOUSE?

In this chapter, we will first briefly look at some facts and figures relating to the Norwegian politics of asylum and return and compare them with the Finnish case (Ch. 5.1.). In the more analytical parts then, we begin by reviewing the Norwegian policies asylum and return (Ch. 5.2.). Here, we discuss the recent tightening of Norwegian immigration policies and its potential impacts on the sustainability of return, and then look at the government sponsored assistance available to those returning independently after a negative asylum decision.

In the third section (Ch. 5.3.), we look at a specific example of return and reintegration assistance to Afghanistan, and this is done so as to discuss the ways in which more comprehensive return schemes could be developed also in Finland. This particular case-study being based on an external evaluation (Strand *et al.* 2008) of the IOM implemented mission Information, Return and Reintegration of Afghan Nationals to Afghanistan (IRRANA), we will also be able to point out some lessons learned.

Like in the previous chapter, we conclude the overview of the Norwegian case by looking into some gender aspects traceable in the discussion (Ch. 5.4.).

5.1. Facts and figures

Like Sweden, also Norway is more advanced in its thinking of return questions than Finland. One reason for this is that the sheer volume of asylum applications and decisions in Norway outnumbers the Finnish figures multiply.

For example, in year 2008, Norway filed nearly 14,500 asylum applications, whereas Finland filed just over 4,000. Similarly, by the end of November 2009, the comparative figures were just under 15,000 in Norway, and 5,348 in Finland. (UDI statistics online 2009a & 2009b;

Maahanmuuttovirasto 2009c & 2009d.) When it comes to the asylum decisions, Finland had issued approximately 3,800 decisions by the end of November 2009, while Norway had processed almost 13,000 applications during the same period (Maahanmuuttovirasto 2009e; UDI statistics online 2009c).

As for our two countries of interest, Iraq and Afghanistan, the same comparative pattern applies for the latter, but for the Iraqis the difference is barely noticeable. During the first eleven months of 2009, 413 Afghans had applied asylum in Finland, while a month later Norway had filed over 3,500 applications from Afghan citizens. Figures for Iraqis, however, were a bit less than 1,134 applications in Finland, as opposed to 1,152 in Norway (Maahanmuuttovirasto 2009d; UDI statistics online 2009b).

The reason for the disparity in the comparative figures of Iraqi and Afghan applications is that, in 2008, Norway tightened its asylum policy specifically towards Iraq (Sisäasiainministeriö 2009a, p. 23; Ministry of Labour and Social Inclusion of Norway 2008b). This considerably diminished the number of Iraqi asylum applications in Norway (compare UDI statistics 2009a with UDI statistics 2009b), and we will come back to the changes below.

Regarding returnees, Norway has a tripartite readmission agreement with Afghanistan and UNHCR, and a bilateral agreement with the government of Iraq. As noted earlier, these agreements are somewhat questionable, since it cannot be monitored what kinds of conditions they are based on, and how the receiving authorities treat the returned asylum applicants upon their arrival.

Be it the effect of the agreements, the differences in the number of applications, or the national asylum policies, the numbers of returnees from Norway to both Afghanistan and Iraq are considerably higher than those of Finland – which in part also explains why the return assistance is more developed in the first mentioned. Between 2006 and 2008, ninety persons altogether returned from Norway to Afghanistan "voluntarily", whereas during the same time 253 Afghans were deported. From Finland, only nine persons returned "voluntarily" to Afghanistan during the same period, and six Afghans were deported. In the case of Iraq, the respective figures were 174 "voluntary" returnees and 31 deportees from Norway; and seven voluntary returns versus no deportations from Finland. (Sisäasiainministeriö 2009a, pp. 22–23.)

As for the EU returns directive, while not an EU member state Norway is part of the Schengen *acquis* and hence must bring the directive into the national legislation in the course of

2010. As with other countries, it remains to be seen how this influences the wider picture of Norwegian return and asylum politics in the years to come.

5.2. An overview of Norwegian policies of return

5.2.1. The asylum system in relation to questions of return

When an asylum seeker arrives in Norway, it is on the police's responsibility to register the application, investigate the stated identity of the person, and find out about the travel route to the country. The applications are then examined and processes by the Directorate of Immigration (*Utlendingsdirektoratet*, UDI), who also decides about the person's right to asylum. The highest appeal authority is the Immigration Appeals Board (*Utlendingsnemda*, UNE). (Strand *et al.* 2008, p. 21; Ministry of Labour and Social Inclusion of Norway A.)

Normally, the asylum process takes at least a year, including all levels of appeal, but sometimes even up to four years (Strand *et al.* 2008, p. 21). Like other countries, also Norway has sought ways to shorten the process, and some of these attempts are related to the recent measures to tighten the Norwegian asylum policy in general.

Faster procedures have been called for especially in the case of applicants "who do not contribute to disclose their identity" (Ministry of Labour and Social Inclusion of Norway2008a). This is, of course, a questionable definition, as the asylum seeker may not always have access to adequate papers to prove her/his correct identity – and, in spite of the lack of papers, s/he *should* have an access to fair and complete asylum procedure.

Similarly, so as to decrease the number of Iraqis seeking asylum in Norway, a special "fast track" procedure was tested on this particular group between September 2008 and March 2009. Here, all Iraqi applications were processed in a single transit centre Torshov in Oslo. In what became called the "Torshov project" the applications were processed at a fast pace (8 days), after which the applicants were moved to an ordinary reception facility for the appeals process. (Ministry of Labour and Social Inclusion of Norway 2008b.) While perhaps fast and effective, the Torshov procedure has worrying dimensions in that almost all applications processed in the project were rejected – hence raising the question of whether these Iraqis received a less thorough procedure than other nationalities, simply because they came from Iraq.

Norway also has a 48-hour procedure for applicants who come from so called "safe countries", meaning that their cases are processed within 48 hours from the application. There is a

right to appeal also here, but often the applicant is deported already during processing of the appeal (Ministry of Labour and Social Inclusion of Norway B).

Given that all asylum applications should be processed as individual cases according to the international refugee law (Convention Relating to the Status of Refugees 1951), this kind of differential treatment depending on the nationality of the person has been criticised by NGOs as well as UNHCR – largely because it prevents an equal access to asylum procedures, hence risking *refoulement* of persons in need of protection.[51] (E.g. van Selm 2001; UNHCR 2003; ECRE 1999; ELENA 2005.)

Indeed, regarding the development of sustainable and just return policies, this criticism is important, as return policies can be just and sustainable *only if* the asylum decisions are based on just and equal procedures (e.g. ECRE 2005). Thus, although it is for the benefit of the asylum seekers, too, to shorten their periods of waiting (Brekke 2004), this should not be made at the cost of equal access to legal procedures.

All in all, Norway's asylum policies have considerably tightened over the previous two years, and some of the new policies, when implemented, can have a direct impact on the sustainability and dignity of return. In September 2008, for instance, the Norwegian government presented "13 measures to decrease the numbers of asylum seekers without a need for protection" (Ministry of Labour and Social Inclusion of Norway 2008a), and in July 2009 another eight measures were introduced (Ministry of Labour and Social Inclusion of Norway 2009).

For example, in the first set of changes "internal flight" was emphasised as a viable alternative for granting asylum in case the person's home area is unsafe, and there are no "other strong humanitarian grounds for granting residency". The "internal flight alternative" was held as a possible option even if the returnee would not possess a link to the "particular geographical area of return". (Ministry of Labour and Social Inclusion of Norway 2008a.) However, given that internally displaced persons (IDPs) are often in an equally vulnerable situation – if not more – than people displaced across international borders (see e.g. Banerjee *et al*. 2005) the "internal flight alternative" is rarely sustainable as far as return and reintegration are concerned. Indeed, as elaborated earlier, return policy can be sustainable only if it does not add to the existing instability

[51] As we know, also Finland has fast-track procedures and it, too, applies the notion of "safe areas" in its asylum decisions. To some extent this criticism thus applies also to the Finnish asylum system.

of the return society – by pouring in homeless and destitute IDPs into post-conflict areas, for example (e.g. Hammond 1999, p. 228).

Another questionable change in the Norwegian asylum policy concerns the Dublin protocol. Since July 2009, the UDI was instructed to apply the Dublin II protocol also to families with children. As mentioned earlier, the asylum procedures or reception facilities in the countries of Southern Europe where most Dublin cases are returned, do not meet the acceptable human rights standards, and this change will thus not respect "best interest of the child" as outlined in international legislation. Also unaccompanied minors have recently been included in the Dublin procedure; earlier Norway did not return them to another EU country even if they had been granted a residence permit in that country (Martiskainen 2009, p. 51).

The position of unaccompanied minor asylum seekers has been weakened also otherwise in the recent changes of Norwegian asylum policy. First, in September 2008, the government stated that children at the age of 16 whose parents cannot be located can be given a non-renewable temporary residency. In effect, this could mean that the child in question is left pending for her/his final decision and, if s/he turns 18 during this time, her/his case can be eventually judged as an adult's case. Not only is this policy extending the limbo of waiting for the young asylum seekers, but it is also against the aim of sustainable and gender-sensitive returns.

Given that many unaccompanied minors arrive in Northern Europe after years of travelling – and with a baggage of traumas collected on the journey – lengthening the asylum procedure further makes it even more difficult for the young adult to reintegrate in her/his "home" society, in case her/his application is eventually rejected. This is, of course, a problem in all temporary statuses, but a year is much longer a period in relation to a child and her/his development than it is in the life of a grown-up (e.g. Martiskainen 2009, p. 49).

In the second set of changes (Ministry of Labour and Social Inclusion of Norway 2009), the government also emphasises that, as a main rule, those unaccompanied minor asylum seekers who do not qualify for international protection are now to be rejected. So as to make it possible in cases where the parents or extended family cannot be reached, or where there is no adequate care institution in place in the return society, the government will look into the option of establishing or funding the establishment of "care and education centres" in the countries of origin. (Ibid.; UDI 2009a.) While such measures might well be justified from the viewpoint of development cooperation, it need be remembered that the policy originates in an attempt to reduce the number

of asylum seekers in Norway – not so much from the desire to better account for the best interest of the child in the developing countries.

Overall, the recent tendency of Norway to weaken the protection of children is worrying – especially because the country has previously had a good record here. It is, however, somewhat balanced by the coming into force of new asylum legislation in 2010 that strengthens the children's position by the granting of more fully-fledged refugee statuses instead of residence permits based on humanitarian grounds (Martiskainen 2009, p. 74).

Yet, regarding the development of systematic return politics, one potentially good thing may be seen as originating from the tightening of Norwegian asylum policy. Although this does *not* justify the other measures described above, as part of the July 2009 policy changes, the government declared that "a general reintegration program [for returnees] will be created". We do not have details on the plans of such a program at the time of writing this report, but this may be perceived as a step towards a systematic and sustainable return politics – given, that sustainable return politics should always include a component of sustainable reintegration.

Indeed, in spite of the worrying tendencies to lessen the standards of international protection in Norway, it can be argued that – when compared to the other Nordic countries and especially Finland – Norway already has a relatively stable basis for something that could be called return *politics*. In the following two sections, we will briefly introduce this through the different forms of assistance Norway offers to its "voluntary" returnees.

5.2.2. VARP as the basis of return assistance[52]

When an asylum seeker in Norway receives a negative decision on her/his application, s/he is obliged to leave the country "voluntarily" by an appointed deadline. If the asylum seeker does not comply with this requirement, s/he will be forced to leave, and the Immigration Police is responsible for the measures of enforcement. In these cases, the deportee is required to pay for the expulsion costs her/himself, and if s/he is unable to cover the expenses either at the time of departure or later as repayment, s/he may be prohibited to enter Norway again. (Ministry of Labour and Social Inclusion of Norway A; UDI fact sheet.) For those choosing to leave the country without enforcement, however, assistance is available free of charge.

[52] Unless otherwise stated, the information in this and the following section are based on email interviews with a member of UDI personnel (7 September 2009), and with a member of staff at IOM Oslo (23 Nov 2009).

Thus far, we have criticised both Finland and Sweden for the lack of a systematic return assistance available to all returnees regardless of their nationality – that is, for their reliance on temporary and limited return programmes and projects. In this regards, Norway's approach is more advanced. Namely, the Norwegian authorities offer a *generic* Voluntary Assisted Return Program (VARP) to *all* asylum seekers, whose application has been rejected, or who decide to withdraw their application.

Launched in May 2002, VARP is implemented by IOM Oslo[53] and funded by the Immigration Police. The present project cycle begun in 2005, and it runs until September 2010, and there a new tender coming out now for the funding after 2010. According to IOM Oslo personnel, the funding at present is adequate to support all returnees eligible for VARP, and hence the assessment of eligibility is not dependant on available finances. The staff at IOM Oslo has, however, felt that there is a need for better outreach of the program, which they try and improve in the future project cycles.[54]

In order to be eligible for VARP, the returnee must apply for the assistance soon after receiving the final negative decision on her/his asylum application. Although VARP is principally open to all asylum seekers whose application has been rejected and who wish to return "voluntarily", all applications of assistance are assessed by the Immigration Police and the UDI – and they may also deny IOM to assist certain individuals. The reasons for non-eligibility are not disclosed in individual cases (IOM Oslo online A), but they usually consist of some of the following: the returnee is a "Dublin case" and should be returned to an EU member state rather than to a third country; s/he has a court case pending, or has been arrested for a criminal offence; s/he is considered violent, or otherwise in need of an escort; or s/he is a problem with drugs. Approximately one in five applications for VARP is rejected.[55]

As part of VARP, the returnees receive the following services from IOM Oslo: (1) information and counselling relating to return; (2) assistance in obtaining travel documents when necessary; (3) the planning of the travel; (4) transportation within Norway, flight to the country of

[53] The program as a whole is largely based on IOM's general model of return assistance, which is applied also elsewhere than Norway.
[54] Email interview with IOM Oslo, 23 Nov 2009
[55] Email correspondence with IOM Oslo personnel, 23 Nov 2009. The reasons of rejection are what the personnel have been given as examples of VARP rejections by the Norwegian Immigration Police; details on individual cases have not been disclosed.

origin and domestic transport there if need be; (5) airport assistance both in transit and on arrival; (6) limited follow-up "if requested and possible" (IOM Oslo online A).

Here, the information work begins already during the asylum process, when the IOM personnel visits the reception centres regularly in order to tell the applicants about their alternatives in case of a negative decision. The office also puts out public announcements with an aim of informing those asylum seekers who reside outside the reception facilities. In addition, the staff at the reception centres is mandated to brief the newly arrived asylum seekers on their options if the application is rejected, as well as to motivate those with a negative decision to return "voluntarily". Information on VARP along with IOM's contact details are also attached in the final rejection letters of asylum applications, and the police carries out information campaigns every now and again. UDI's regional offices, in turn, offer information on "voluntary" return on request, and IOM collaborates with migrant and refugee associations in the distribution of information.

The Norwegian Refugee Council (NRC), for example, has had its own Information and Counselling project on Return and Repatriation (INCOR) since 2001. Their activities have involved counselling asylum seekers and refugees about the prospects of return and conditions in the country of origin, as well as about their rights in Norway. They have a broad range of activities which involve, in addition to counselling, work with unaccompanied minors and organised trips to return countries for refugees who consider their possibilities to return. (See Brekke 2008.)

In other words, information on VARP should, at least in principle, be available through various channels in the asylum process, although IOM Oslo has the main responsibility. Nevertheless, Strand and others (2008, pp. 30 ff.) have shown that the information work has not been considered very effective from the point of view of the returnees themselves. This has also been acknowledged by IOM Oslo, and it is indeed one of their aims of improvement. According to the personnel we were in touch with, one of the problems is that VARP does not effectively cover those asylum seekers who reside outside the reception centres, and that information should be more consistently distributed throughout the country. Like in Finland, a major challenge here is the consistent coordination of information work when the number of reception centres is growing rapidly; in 2009 there are over 160 centres, as opposed to 70 in 2005.

The benefits of participating in VARP for the returnee are that s/he can return in a dignified manner "as if [s/he] would have been a tourist in Norway", and no one in the country of origin is informed about her/his asylum application (IOM Oslo online B). This, of course, is not the case

with police deportations, where the returnee is normally escorted to the capital of her/his country of origin – only to be handed over to the government authorities there. When participating in VARP, the returnee is also provided with tickets for the journey all the way to the destination, as well as a small sum of money (60 USD per each adult, and 90 USD for each child) to cover expenses such as food or drink during the travel. In case of vulnerable returnees, a member of IOM staff accompanies the returnee all the way to the destination.

Regarding the gender division of those who apply and receive assistance via VARP, the large majority are men (82 % of the 2009 departures). As with other Nordic countries, this probably reflects the male-majority in the number of asylum applications in general, as well as in the number of rejected applications. In our two countries of interest, the proportion of male returnees has been even higher over the recent years, however, with 94% of returnees to both Afghanistan and Iraq being male.

Only six percent of all the returnees involved in VARP have been children under 18 years old. IOM Oslo says to assist also those unaccompanied minors who wish to return voluntarily. They have helped five children without parents to return to Iraq, and are currently in the process of assisting two who wish to return to Afghanistan. We do not have information as to whether their application for asylum had been rejected, withdrawn – or whether they in fact have had a residence permit in Norway at the time of return, and hence have returned on a genuinely voluntary basis.

As for the limited follow-up offered in VARP "if requested and possible", this does not mean reintegration support, since Norway does not provide such service as part of this generic return assistance – at least yet. (See below for exceptional programs and future plans.) The follow-up can be given, for example, in cases where the returnee has received medical treatment in Norway, and further communication with the doctor is required. In such cases, IOM provides a link for the necessary communications. In addition, in cases where the returnee feels that her/his security will be threatened after the return, the local IOM representative can make a follow-up call so as to check the situation. If there are problems, IOM has no mandate to act upon the case, but will inform the Norwegian authorities on the situation. (IOM Oslo online B.)

According to the IOM Oslo staff interviewed, a majority of applications for follow-up measures are rejected, since "the majority who tick "yes" are asking for financial support or help

[in] finding a job or accommodation, which IOM cannot do [as part of the generic VARP assistance]"[56].

Such reintegration support *is*, however, provided by Norway through particular programs (see below), and the need for widening such assistance onto a generic level is acknowledged also at IOM Oslo. They are already looking into ways of providing follow-up and monitoring for a larger group of returnees after their arrival, and a pilot program on extended reintegration support was under trial during the autumn of 2009 (see below).

In the case of reintegration support, the staff at IOM Oslo noted that different forms of non-cash components – such as providing assistance in the establishment of businesses, providing education, or access to job markets in the country of return – normally bring the best results. When there is no reintegration assistance at all or mere "once-off" cash grant at the arrival, IOM will easily lose contact with the returnee, and monitoring the sustainability of the programs becomes impossible.

Here, however, it need be noted that the follow-up in return assistance – and especially the plans to extend it onto a generic level – brings an added value to the Norwegian approach to return. As has already been pointed out, different elements of follow-up, monitoring and reintegration support form an extremely important part of responsible return and asylum politics in general: Not only do they provide means for the returnees to re-establish themselves in the countries of origin but, in the long run, they could[57] also provide information on the sustainability and justice of asylum decisions – perhaps even incentives to react upon individual situations of insecurity. This, in turn, could have wider political implications that go beyond the questions of asylum and return.

Indeed, by revealing the links between asylum decisions at home and their impact overseas, the follow-up of return policies could help to gap the discrepancy that the European countries have between their asylum and return practices on one hand and the goals of civilian crisis management and development cooperation on the other. Furthermore, a *systematic* policy of monitoring and follow-up could – in the long term – also make the European asylum and return politics appear as more responsible in the eyes of the potential returnees, hence increasing the attractiveness of "voluntary" returns as opposed to forced removals.

[56] Email correspondence 23 Nov 2009.

[57] We use the word "could" here, since these kinds of results are *conditional* to systematic procedures of follow-up. This is not a reality at the moment, as reintegration support is not generic in European return policies and where there is evaluation and follow-up of return programs available, this is sporadic rather than systematic.

As for the Norwegian VARP model in general, we hold it as a firm basis for the development of systematic and sustainable return politics. This is because it is *generic* and continuous – in other words available to all nationalities and based on a continuous system of funding rather than individual projects limited in time and resources. It is also worth noting that while the Norwegian model is also still not complete, Norway shows interest in the further development and evaluation of its return assistance. When developing the Finnish return practices, the developments in Norway should be closely followed[58].

Indeed, the Norwegian model would form a good example for Finnish return politics also: a kind of a "lego-model", or a firm basis of assistance, on which to add more specified forms of support to specific groups when need be – such as vulnerable individuals, or particular nationalities. It may well be that, out of the countries discussed in this study Norway is the most capable of building the lego house we spoke about earlier.

5.2.3. Additional reintegration support for selected nationalities

Although reintegration support is not, as of yet, an integral part of the generic VARP assistance, in the autumn of 2009 Norway offered "extended reintegration support" to large part of the returnees who returned under the auspices of the VARP program. The support consisted of a cash component of 10,000 Norwegian crowns (approx. 1,280 EUR), which was meant to ease the initial period of reintegration in the country of origin. The support was paid already before the departure from Norway, once the application for VARP had been approved. Like VARP in general, the extended support was channelled through IOM Oslo.

The extended reintegration support was provided to all countries that qualify for official development aid[59], but was limited to the first 400 returnees on a first come first serve basis. The assistance was available for a limited period of time only, between 1 September and 31 December 2009, and its main objective was to make "voluntary" return more attractive to the target group[60].

In addition to the generic Voluntary Assisted Return Program and its extended reintegration support, some selected nationalities have been offered more extensive services so as

[58] Only recently, Jan-Paul Brekke at the Institute of Social Research in Oslo was appointed to evaluate the Norwegian practices of "voluntary" return since 2000. (Correspondence with Brekke.) This report is likely to form a valuable source for "lessons learned" when developing the Finnish approach to return.

[59] See DAC list of Official Development Aid by OECD at http://www.udi.no/upload/43540882.pdf (last accessed 23 Nov 2009).

[60] Studies have shown that financial assistance is not conclusive as far as decisions to return are concerned, and there are always other elements that determine the final decision. We will come back to this later in the analysis.

to enable sustainable and comprehensive reintegration in the return society. These services are largely based on IOM's Assisted Voluntary Return and Reintegration (AVRR) model and they normally include a cash component along with reintegration services such as job referrals, vocational training, education, medical or health assistance, housing assistance and follow-up. At the time being, Norway offers such programmes to Iraq, Afghanistan, and Burundi, but the authorities are looking into ways of widening the support also to other countries. Victims of trafficking are offered reintegration support regardless of their nationality, however, provided that they participate in the VARP program.

In the following section, we will give an overview of the AVRR model, by looking at the case of a Norwegian return and reintegration program to Afghanistan, IRRANA.

5.3. IRRANA: A case of an extensive return program to Afghanistan

IRRANA (Information, Return and Reintegration of Afghan Nationals to Afghanistan) is a return and reintegration scheme aimed at Afghans who wish to return to Afghanistan. It was established in 2006 by the Norwegian government in cooperation with IOM and NGOs, and it offers services to both Afghans with a residence permit in Norway and Afghans who do not have or no longer have a legal right to stay in the country (e.g. "rejected" asylum seekers). We will focus on the latter.

The discussion here is largely based on a 2008 evaluation report of IRRANA (Strand *et al.*), which allows us to bring in some critical viewpoints also[61]. Norway also has a similar program at place for our second country of interest, Iraq, but lacking further information on the successes and shortcomings of this scheme, we will not discuss it here[62]. Many of the findings of Strand and his colleagues, however, support the findings of other studies on return and reintegration (e.g. Black *et al.* 2004; Danish Refugee Council 2008), and hence the lessons learned in the case of IRRANA are likely to teach us something more general about return and reintegration assistance.

[61] Arne Strand and his team at Chr. Michelsen Institute (Bergen, Norway) were commissioned by the Norwegian Directorate of Immigration UDI to assess the IRRANA program in 2007. The team's report is based on document review, semi-structured interviews with returnees in Afghanistan, staff involved in the program in Norway and Afghanistan, as well as with relevant organisations. The study was conducted in 2007 and early 2008, and it was published in 2008.

[62] See IOM Oslo's homepage for more information on IRRINI (http://www.iom.no, last accessed 6 Jan 2010).

5.3.1. Background and forms of assistance[63]

As explained above, the VARP model of generic return assistance functions as the basis for the extended return and reintegration programs, such as IRRANA that is aimed at Afghan nationals only.[64] Unlike VARP – the aim of which is to provide information and assistance on return only – IRRANA has a two-fold goal: On one hand, it is meant to *support a dignified return* to Afghanistan and, on the other, it is also meant to *assist in the sustainable reintegration* of the returnees through different forms of follow-up.

From the viewpoint of the Norwegian state, however, the program also has the purpose of increasing the rate of voluntary returns to Afghanistan which, if successful, would make the returns of "rejected" asylum seekers more acceptable in political terms, as well as economically less costly. Indeed, the launch of IRRANA in 2006 intentionally coincided with the start of forced removals of those Afghans whose asylum application had been rejected: unless the returnee applied for assistance in IRRANA within a month of the rejection decision, s/he was to be forcibly removed. (Strand *et al.* 2008, p. 5.) The program was thus openly meant to work as an incentive for "voluntary" returns.

Nevertheless, because of its different elements of reintegration support, IRRANA comes close to the kind of comprehensive return assistance we have tried to emphasise in this report. While the participants in IRRANA receive the basic assistance in travel arrangements available to all returnees via VARP, the extended program to Afghanistan goes beyond VARP in terms of (1) additional information and counselling; (2) financial assistance; and (3) reintegration assistance that is offered in-kind services as well as in cash (ibid., p. 5). While its emphasis is on "voluntary" returns, IRRANA also offers some support for the deported Afghans, and we will come back to this later.

As for the information component of IRRANA, the potential Afghan returnees are targeted by specific information campaigns while still in Norway. In addition to the dissemination of information on VARP, the IOM staff holds specific IRRANA-related sessions in reception centres, with a Dari-speaking team member present. The Norwegian Refugee Council's return-related

[63] It need be noted that the Norwegian IRRANA program is not unique but draws heavily on the so called RANA model (Return, Reception and Integration of Afghan Nationals to Afghanistan) that was an EU-wide return program set up by the European Commission in 2003. (For more information, see Hunzinger 2007.)

[64] To apply the lego metaphor, VARP is the foundation on which the individual lego element of IRRANA can be added, when building comprehensive return politics.

information and counselling scheme INCOR has also established an Afghan-specific programme under its main project. This adds to the information work of IRRANA in that also NRC staff now inform the potential returnees about their rights as well as about the return and reintegration support available to them. Also their team includes a Dari-speaking Afghan national. (Strand *et al.* 2008, pp. 5–6.) Both INCOR and IRRANA are funded by the UDI (Brekke 2008, p. 7; email correspondence with a UDI staff member).

As part of the follow-up procedures, the information and counselling work continues also after the returnees have arrived in Afghanistan, and this is the responsibility of the IOM's local staff. Already at the Kabul airport, the returnees are met by an IOM staff member who briefs them about the reintegration program, and gives them the address of the local IOM office where the returnees can pick up their cash grant and receive further information on reintegration assistance. If the returnees do not have a place to stay at their arrival, they can be accommodated at the Afghan Ministry of Refugees and Repatriation reception centre. (Strand *et al.* 2008, p. 35.)

The financial assistance in IRRANA consists of a cash grant that is paid to the returnees after their arrival in Afghanistan. The money is channelled through the local IOM, which also administer the operation of the reintegration components. The size of the grant was 5,000 NOK (approx. 580 EUR) at the launch of the program in 2006, but has now risen up to 15,000 NOK (approx. 1,740 EUR) for returnees with a residence permit in Norway, and 10,000 NOK (approx. 1,160 EUR) for those who are obliged to return. (Strand *et al.* 2008, p. 6; UDI 2009b.)

As an unusual – yet positive – feature when compared to many other return projects, IRRANA also offers a cash grant to those "rejected" asylum seekers who are being returned to Afghanistan against their own will (see UDI 2009b). In order to maintain the incentive impact of the program, however, the support offered to the deportees (3,000 NOK/approx. 350 EUR) is considerably smaller than to those returning "voluntarily". Nevertheless, as has been mentioned earlier, this kind of assistance to the deportees is to be encouraged more widely, as those who do not, cannot, or are too afraid to comply with return decisions are arguably in need of assistance too. This also serves the goal of comprehensive and sustainable return politics that respects human rights and contributes towards development cooperation as well as crisis management in the countries of origin.

As for the reintegration support in IRRANA, there are three different alternatives available to the returnees after their arrival in Afghanistan: (1) job referral through the offices of IOM; (2)

vocational or skills training meant to assist the returnees to acquire a means to support her/himself; and (3) a small business start-up support. Of these, the business-option is supported already in Norway, as returnees are offered short entrepreneurship courses before their departure from the country (see BIP homesite). At the time being, Norway invests in the reintegration support up to 25,000 NOK (approx. 2,900 EUR) per returnee (UDI 2009b).

According to Strand and others (2008), these three alternative forms of reintegration support were not offered in a balanced way, however, but the business alternative was emphasised by the IOM staff over the other options. This of course did not serve the needs of individual refugees on an equal basis, which we will discuss in the following section.

5.3.2. Lessons learned

In this section, we discuss some lessons learned in the case of IRRANA return and reintegration program. We will assess both the general aims of the scheme (i.e. dignified return conditions, sustainable reintegration, and the increase in the attractiveness of "voluntary" returns) as well as the separate elements of the program (that is, the impacts of information work, financial assistance, and the reintegration scheme).

To begin with the government goal of increasing the number of "voluntary" returns to Afghanistan by offering extended reintegration support for the returnees, this aim was not met in the outset of the programme.

The programme was launched in April 2006, and by early March 2008 only 67 Afghan nationals had chosen to return via IRRANA. In the same period at least 206 former asylum seekers were forcibly deported to Afghanistan. Even though some of those who originally chose to return "voluntarily" were removed from the list by the police – hence adding to the number of deportees – the figures indicate that IRRANA did not succeed in making the choice of "voluntary" return more attractive than forced removal. (Strand *et al.* 2008, pp. 6, 10–11.)

There were, however, other factors at play at the time, which played against the success of IRRANA. Namely, although almost 1,900 Afghan asylum seekers had received a negative decision between 2000 and 2006[65], they could not have been removed due to practical reasons. The tripartite agreement between Norway, Afghanistan and UNHCR in 2005, however, had opened the

[65] Practically, this figure represents the negative decisions given between August 2003 and 2006, since before August 2003 all Afghan asylum seekers were provided asylum in Norway. (Strand *et al.* 2008, p. 6, fn. 12.)

way for forced removals, and the start of the deportations was timed to coincide with the launch of IRRANA. Amongst the Afghan community in exile, there was heavy resistance against the government decision to start deportations, which resulted in a hunger strike in Oslo by Afghan asylum seekers. The campaign not only received wide media coverage and support from the civil society, but also pressurised the government to change its stand. Eventually, it was decided that Afghans from areas considered as "unsafe"[66] and without networks in Afghanistan would be allowed to stay in Norway, and would have their cases overturned. (Ibid., pp. 6–7.)

In such a political situation, it is perhaps no surprise that IRRANA was not widely welcomed by the Afghan community: for "voluntary" returns to take place, it takes mutual trust between those being returned and those motivating or enforcing the return, and "trust", is barely the word by which to describe the spring 2006 atmosphere in the Norwegian Afghan community[67].

Strand *et al.* (2008, p. 7) also point out that the protests weakened the appeal of IRRANA on two levels: On one hand, by forcing the government to reconsider its policies, the strikes raised hopes amongst the returnees that perhaps they could stay after all. On the other hand, however, the decision *not* to return "voluntarily" was an act of solidarity for the protesters, since participation in IRRANA under the circumstances would have easily undermined the protesters' case.

All in all, this shows that there is no automatic correlation between particular return programs and the number of returnees leaving "voluntarily", and this is because other political factors always intervene in the decisions of return. However, we want to emphasise, the number of returnees should not be the most important indicator of the successes or failures of return programs – nor should it be their primary aim (see also Hunzinger 2007, p. 6). Rather, the target should be in dignified and sustainable returns, and hence the assessment must begin elsewhere. In IRRANA, for example, it is worth looking at the ways in which the returnees themselves saw the different components of the program to function.

For their 2008 evaluation, Strand and his colleagues managed to interview 29 of the 67 returnees who had participated in IRRANA. The team acknowledges that this sample does not represent the whole group of returnees, however. First, the interviewees were generally older,

[66] Here, the Norwegian government followed UNHCR guidelines, but these guidelines are under constant change as the security situation changes in the country. Thus, the definition of "safe" and "unsafe" areas is not exactly a sustainable foundation for return politics in places like Afghanistan.
[67] In summer 2007, the protests continued in another form, hence keeping the situation of Afghans at the top of public debate. (Ibid., p. 7.)

better educated and more likely to be married than the returnees in IRRANA approximately, and only a few of the younger, single and less educated participants were reached. Also, among the 67 IRRANA returnees, there were 17 people who had refrained from taking the IOM reintegration support, and it would have been interesting to compare how their situation differed from those who had benefited from the IOM services in Afghanistan. None of these 17 could be reached for an interview, however. (Strand *et al*. 2008, pp. 11, 14.)

As to the dignified conditions of return, apart from a few exceptions, all the respondents had found that the travel and arrival went without difficulties, and all but one had received their cash payment without problems (ibid., p. 35).

The information work, however, was not as effective as it appears in the outset. Namely, although there were various official channels for the distribution of information, most returnees had used family and other networks to find out about the situation in Afghanistan – and hence about the conditions of return. They had also sought ways to hear about the experiences of those who had returned earlier, which implies that these informal channels might have provided more authentic and up-to-date information than that received from authorities and NGOs in charge of the information work in Norway. (Ibid., pp. 30–32.)

Those who used the formal channels of counselling reported that as far as the cash grant and the practicalities related to it were concerned, the information given was correct. However, there were several misunderstandings in questions of reintegration support, which made the returnees feel upon the arrival that they had not been adequately prepared for the reintegration schemes.

Almost half of the respondents reported that they had been only informed about the business option – and Strand and his team found out that this was indeed overemphasised by the IOM staff especially at the Kabul end[68]. This was because the other options were not formalised practices by IOM Kabul.

In practice, the job referral alternative meant that IOM would utilise their networks and see if there are any NGO positions available. Those interested in training would be identified with a suitable course and the reintegration grant could be applied against the course expenses. However, individual inclinations of the applicant were not much considered and higher education was not an

[68] The stated reason for this was that the business option would have immediate income-generating prospects. (Strand *et al.* 2008, p. 36.)

option. When there was information available about other options, such as job referrals, the returnees felt to be mislead when this form of assistance was not adequate for actually finding a job. (Ibid., pp. 32–33; 35 ff.)

Such misunderstandings, however, were not solely caused by the staff or authorities responsible for the information work, but there were also many other factors at play. First, the returnees said that the return and reintegration program as such was not conclusive in their decision to return, and it is hence likely that they were not tuned to receive all the available information before the departure. Also the political protests of the Afghan asylum seekers at the early days of the program had resulted in boycotting of the IOM information sessions in the reception centres. (Ibid.) Then, of course, there are the general communication cuts present in all situations of communication – meaning that information is never transmitted from the person to person in the exactly intended form. There being various elements of insecurity relating to the return, it is perhaps no surprise that the information work on the reintegration scheme did not succeed.

Nevertheless, without adequate information before the return it will not be possible to effectively operate the reintegration elements of assistance later on. The feeling of being misinformed and its consequences are also directly related to the sense of dignity in return arrangements, as well as to the sustainability of return. In this sense, an important lesson to learn for future programs would be to place a heavy emphasis on the *coordination* of information work amongst the various contributors at the very outset – and to assure that the information given in the country of exile corresponds, as accurately as possible, to the situation in the country of origin as well as the information given by program officials at that end. (See also Strand *et al.*, p. 63.)

Given such imbalance in available options, all the returnees reached by Strand's research team had chosen the business alternative – whether or not they had the skills, interest, or connections to establish a successful enterprise. In these circumstances, the business option did not function properly towards sustainable reintegration, and many of the enterprises were short-lived.

In the business scheme, the returnees were required to come up with workable business plans themselves, which were to be accepted by the IOM staff in Kabul. The IRRANA business support was given in kind, so that IOM would pay for the equipment necessary for the start-up of the suggested enterprise. For these, the returnees were asked to get three price quotations, and in cases where the IOM staff were not familiar with the particular branch, their emphasis on price

rather than quality did not serve the establishment of successful businesses. In cases, where the returnee did not have a genuine interest or the necessary contacts to maintain the enterprise, the goods were often sold for immediate need of cash, and the business itself was closed down. (Strand *et al.* 2008, pp. 35 ff.)

In principle, IOM was to monitor the success of the established enterprises by paying visits to the sites of the company and by giving further advice. The start-up grants were also usually paid in more than one purchase, so that the second purchase of goods was conditional on approved monitoring visits. This follow-up mechanism did not always function efficiently, however, largely because the staff at IOM Kabul was not able to travel to many parts of the country because of security restrictions. (Ibid.)

In general, the returnees interviewed criticised the reintegration support for the following reasons:

First, they found that the business grant given in the program was far too small for the establishment of a *successful* business and, indeed, credit being expensive in Afghanistan, the businesses still standing at the time of the interviews had usually been invested also other finances (savings, or money received from relatives). Additional finances were obviously not available to all returnees, and hence the inadequacy of the business support put the returnees on an unequal position. As a means for improving this part of the scheme, the returnees suggested an introduction of low-interest loans into the reintegration program. (Ibid., p. 44.)

As for job referrals, many a returnee expressed that this option should be made genuinely available, and the returnees should be helped to identify and strengthen their employment-relevant skills. (Ibid.) This point is arguably relevant also for the business option, since skills are required also in the life of enterprises, and if there are none – or the existing skills are inadequate – it is unlikely that establishing a small enterprise could guarantee a sustainable future.

In this context, Strand *et al.* also refer to the necessity to begin skills training already in the country of exile, as well as the need to coordinate the pre-return training with the activities offered in the country origin. Here, they point to Denmark – as well as the German NGO AGEF with whom Denmark collaborates – as exemplary in this field, and we will return to this in the following chapter. Also the returnees themselves pointed out that access to skills improvement programs and education while waiting for the decision would greatly the reintegration process – as

well as make the time of waiting more meaningful. (They also called after faster asylum procedures.)

Another frequent suggestion by the returnees was the access to vocational skills training in Afghanistan as well as to higher education; it was felt that skills and qualifications last forever, whereas cash grants or businesses put up *for the sake of* putting up for business are often short-lived alternatives. (Ibid., pp. 44, 43, 56–59, 64.)

These points arguably support the Swedish two-track approach introduced above. Indeed, it is interesting to note that, although Norway otherwise has well advanced policies of return, the activities it offers to asylum seekers during the asylum process do not much support the idea of sustainable reintegration. (Ibid.)

Finally, the interviewed returnees in general reported that the cash or other support did not much contribute to their decision to return "voluntarily". In fact, to quote Strand *et al.*, "[t]hose who chose the voluntary return programme did so *not* because of the attractions of the programme, but *because all the other options were worse*" (ibid., p. 24, emphasis added). While there were just as many reasons to participate in IRRANA, as there were returnees, many chose to depart "voluntarily" in order to avoid the indignity of deportation[69]. (Ibid., pp. 24–29.)

These findings underline that fact that in "voluntary" return programs, incentives and threats direct the decisions of whether and how to return – *not* the possibility to choose from various alternatives on a genuinely voluntary basis. (See also Blitz *et al.* 2005). Yet – as stated in the very outset of this study – that a person is *obliged* to return does not mean s/he should not be supported by those placing the obligation.

5.4. The Norwegian approach: Concluding remarks and some gender aspects to consider

In this chapter, we have discussed the Norwegian approach to return, with a specific example of IRRANA, a return and reintegration program to Afghanistan. Although the recent tightening of the Norwegian asylum policies has some worrying tendencies that risk the sustainability of returns, there is one particularly valuable feature in the Norwegian approach. This is the existence of a

[69] One particular respondent also said to have chosen IRRANA instead of forced removal, because to be handed over to the local police might have lead to violent revenge by the police for previous problems he had had in Afghanistan. To what extent forced removal in such a case – or return in general – means *refoulement* would be worth further investigation.

generic return assistance program VARP that is open to all nationalities and secured by continuous funding.

When using the lego metaphor, VARP makes Norway the only Nordic country at the moment that is capable of building the lego house: This is to say that, unlike in the other three countries, Norway's return assistance does not rely on projects that are limited in time, resources, and focus group, but has a solid base on which to build its strategies relating to return. In other words, Norway's return assistance is about *more* than individual lego elements hanging in the air (which they obviously cannot do). Because of VARP, Norway has a basis on which to build its lego house of return *politics* – the house may never be complete and perfect, but there is a basis on which add improvements when need be.

IRRANA is an example of such an additional element that relies on VARP as its foundation. As elaborated above, it may still not be a perfect model for sustainable reintegration – if such exists – but *because there is the stable basis*, it is possible to continue improving it.

In IRRANA, another positive feature is that it offers support not only to the "voluntary" returnees, but also to those being deported. The aim of return and reintegration should not be merely to increase the rate of voluntary returns – and hence decrease the costs of rejected applications, but the starting point should lie in the dignity and rights of the returnees – all kinds of returnees.

As for elements of gender-sensitivity, these of course should not be something that are added retrospectively. On the basis of this report, however, it is difficult for us to judge very comprehensively, how the Norwegian model takes into account the questions of gender in practice. However, the potential follow-up procedures of VARP for example are at present particularly aimed at vulnerable returnees, and according the UDI and IOM personnel we have been in contact with, gender issues are under constant review when new policies are being developed. Only recently, in fact, Norway introduced an extensive set of gender guidelines that are to be followed in the assessment of asylum applications (Norwegian Directorate of Immigration AI-63/08). Simultaneously, however, the recent government initiatives to tighten asylum policies for families with children and for unaccompanied minors are developments that worsen rather than improve the gender-sensitivity of the Norwegian approach.

Yet, if one was to name one generally good thing in the Norwegian return policies that serves the aim of gender-sensitivity, we would again have to refer to the lego house: Gender

remains a complex and contextual element in questions of return as much as elsewhere in society. Having a basic model of return assistance which can be moderated over time also allows for a continuous re-evaluation of gender aspects in return. While such generic model in itself should be as gender-sensitive as possible, it also allows for adding elements of further assistance when new vulnerabilities emerge. It remains with the second phase of our project to outline, how and which kinds of gendered vulnerabilities Finland should take into account when developing its own model of generic return assistance – and how this should be applied to particular groups returning to Iraq and Afghanistan.

6. DENMARK: STRICT ASYLUM/RECEPTION PROCESS WITH AN EMPHASIS ON RETURN

While the Swedish case study presented the holistic thinking of return as an integral part of the asylum process, and the chapter on Norway introduced a relatively systematic model of return politics with a particular example of reintegration assistance, the Danish case exemplifies an extreme focus on return in the general asylum and reception processes. Namely, while it is arguably a good thing to account for questions of return already during the asylum procedure, in Denmark asylum seekers are, as a rule, *prepared for reintegration at the cost of integration in the Danish society*.

When compared to the other Nordic countries, the Danish asylum and reception process is strict and isolating to the asylum seekers, as it begins from the presumption that most asylum seekers will be rejected anyway – and therefore are likely to need support in *re*integration rather than integration. Indeed, we remain critical of various aspects in the Danish approach. However, a consequence of what we call return-geared reception process is that, in Denmark, the "voluntary" return assistance is rather well regulated by now and, when offered, the reintegration support would seem to be extensive.

Consequently, our argument in this chapter is twofold: First, we argue that return and reintegration policies should *not* begin from the cutting of off asylum seekers from the rest of the society, but during the asylum process they should be provided support for both the potential futures: for residence permit and integration, as well as for rejection and return. In this sense, we hold the Swedish two-track system more valuable than the Danish approach. However, *when assessed in isolation of the Danish asylum politics*, some of the return and reintegration programs

offered by Denmark have positive dimensions that could be taken as an example when developing return politics for Finland.

The chapter is divided roughly into three parts: in the first part (6.1.), we will look at some facts and figures, whereas the second part (6.2.) elaborates what was argued above about the Danish asylum and return policies. In the third and concluding part (6.3.), we will briefly sum up the Danish case study, as well as raise some gender points that the case carries over to the second phase of our project.

6.1. Facts and figures

While both Sweden and Norway deal with much higher numbers of asylum applications each year than Finland, the number of applications lodged in Denmark is largely in the same league with the Finnish figures.

In 2008, for example, altogether 2,400 asylum applications were lodged in Denmark, while Finland filed over 4,000 applications the same year. However, when Dublin cases, persons from a "safe third country", disappearances and withdrawals are excluded from the Danish figure, it turns out that Denmark processed only 951 of the applications it received. In Finland, approximately one fourth of the applications were Dublin cases, meaning that about 3,000 of the applications lodged were eventually processed in Finland. (Danish Immigration Service 2009a, p. 38; Maahanmuuttovirasto 2009f, pp. 3, 4–6.)

In 2008, Denmark granted asylum to 1,453 persons altogether (of which 564 were quota refugees), and the respective figure for Finland was 1,522 (737 quota refugees) (Danish Immigration Service 2009a, p. 39; Maahanmuuttovirasto 2009f, p. 7; Maahanmuuttovirasto 2009g).

Regarding our two countries of interest, in 2008, 424 Afghans and 562 Iraqis applied asylum in Denmark. (Of these, 131 Afghan applications and 195 Iraqis were eventually processed by Denmark.) In Finland the same year, 254 Afghan nationals and 1,255 Iraqis applied asylum. (Danish Immigration Service 2009a, p. 38; Maahanmuuttovirasto 2009c.)

As for the decisions given that year, Denmark granted asylum to 56 Afghans, and refused the same number of Afghan applications. At the same time 140 Iraqis were granted asylum, while 95 Iraqi applications were rejected. The respective figures in Finland were 72 positive decisions to Afghans, 19 rejections; and 268 positive decisions to Iraqis, 186 rejections.

In principle, both Denmark and Finland require the asylum seeker to leave the country after a rejected application, although the removal decisions cannot always be implemented. We do not have exact figures of removals from Denmark or Finland for year 2008 but, according to a report by the Finnish Ministry of the Interior (Sisäasiainministeriö 2009a, pp. 22–24), between 2006 and 2008, altogether 281 Afghans were obliged to return from Denmark – 243 of whom returned "voluntarily" and 38 were forcibly removed. From Finland the respective figures were nine "voluntary" returnees, and six forced removals. During the same period, 947 Iraqis returned to Iraq "voluntarily", and 21 were deported. From Finland, there were no forced removals to Iraq between 2006 and 2008, but seven persons returned "voluntarily".

Denmark has had a tripartite readmission agreement with Afghanistan and UNHCR since 2004, and a bilateral agreement with Iraq since the beginning of 2009.

As for gender divisions, we do not have gender-related figures on Denmark regarding the total number of applications, but only on unaccompanied minors. In 2008, just over 300 unaccompanied minors applied asylum in Denmark, of whom 93 % were boys and 4 % were girls[70]. Finland, in turn, filed over twice as many applications by unaccompanied minors (just over 700) the same year, of which 79 % were boys and 20 % were girls[71]. (Danish Immigration Service 2009a, p. 40; Maahanmuuttovirasto 2009f, pp. 3–4.)

It is likely, that the smaller number of unaccompanied minors' applications in Denmark is explained by the fact that, in Denmark, these applications are processed more or less in a similar way than the applications of adult asylum seekers (Sisäasiainministeriö 2009a, p. 26). This arguably raises questions about the child's best interest in general, as well as about the possibility to consider the gendered vulnerabilities of both girls and boys in the asylum process.

As we will see in this chapter, the Danish asylum and reception policy in general is strict when compared to the other Nordic countries, which undoubtedly influences the smaller numbers of asylum applications filed and processed in the country each year. The strict policies, however, makes us to raise a range of questions about the acceptable motives to develop return policies – however good forms of assistance these policies may involve – as well as about the acceptable means to motivate returnees to depart "voluntarily". These points will be elaborated in the remaining parts of the chapter.

[70] In 3 % of the cases, gender was not recorded in the application.
[71] In five cases, gender was not recorded.

As for the EU returns directive, it must be mentioned that, in addition to the UK, Denmark is the only country that has opted out from the implementation of the directive (*Guardian.co.uk*, 28 Jan 2009).

6.2. The Danish asylum process

6.2.1. An overview

When an asylum seeker arrives in Denmark so as to seek asylum – at which point s/he is referred to as a "spontaneous asylum seeker" – s/he must first contact the police. Like in Finland, the responsibility of the police at this point is to establish the nationality, identity and the travel route of the person, and record an official statement from her/him. The asylum seeker is also photographed, and her/his fingerprints are taken. (Danish Immigration Service online 2009a.)

After this, it is first examined whether the person falls under Dublin regulations, and hence whether or not her/his case is to be processed in Denmark. Also, if the asylum seeker comes from Switzerland, Canada, or the US, it is considered that s/he comes from a safe country, and the application is not taken under further examination. (Ibid.) Between 2003 and 2008, the share of Dublin or other applications *not* processed in Denmark varied between 40 and 61 per cent, the peak being recorded in 2008[72]. Indeed, as in other Nordic countries, the trend in the number of Dublin cases seems to be on the increase. Similarly, what was argued earlier about the Dublin returns and gendered vulnerability applies to the Denmark as much as to the other countries discussed.

The asylum applications in Denmark are processed by the Immigration Service *(Udlaendigeservice)*. If the Dublin legislation is not applied, or the asylum seeker comes from one of the three safe countries mentioned above, s/he will be asked to fill in an application form, where s/he can give a detailed account on her/his grounds of applying asylum. S/he will also be interviewed by the Immigration Service, where s/he has an opportunity to further clarify her/his story. (Danish Immigration Service online 2009a.)

The Immigration Service's decision is based on the asylum seeker's statement and other relevant information available on the country of origin. There are, however, three different kinds of procedures for the assessment of the case, depending on the application as well as the country of

[72] The percentages are calculated on the basis of figures given in Danish Immigration Service's Statistical overview of 2009 (Danish Immigration Service 2009, p. 38).

origin. Most cases are processed in the normal procedure, which means that all rejected decisions are automatically referred to the Refugee Appeals Board, the decision of which will final. (Ibid.)

Yet, if the application is considered "manifestly unfounded" – meaning the presumption that the asylum seekers is clearly not in need of asylum – the application is sent to the Danish Refugee Council (*Dansk Flyktingehjaelp*, DRC), which is an NGO looking after the rights of refugees and asylum seekers. Here, the DRC is invited to make a statement of the case, and if they agree with the Immigration Service in that it is "manifestly unfounded", the application is rejected without a right to appeal. If, however, the DRC disagrees, the Immigration Service normally maintains the negative decision, but it has to send the case to the Refugee Appeals Board for final judgement. (Ibid.)

The third possible procedure is the "expedited version of the manifestly unfounded procedure" (ibid.). This applies to asylum seekers who come from a country in which, "according to the most up-to-date information available, it is unlikely that s/he would risk persecution" (ibid.). In these cases, the asylum seeker does not fill in the application form, but is quickly invited to the interview with the Immigration Service. Also the DRC will make a statement on the case, and if this is concurrent with the view of the Immigration Service, the application is rejected without a right to appeal. In this case, the asylum seeker may still apply the Ministry of Refugee, Immigration and Integration Affairs for permission to stay in Denmark on humanitarian grounds. However, this does not necessarily have a suspensive effect on deportation, and very few permissions of this type are being generally granted[73]. (Ibid., ELENA 2005, pp. 19–20.)

For the expedited version of the manifestly unfounded procedure, the list of safe countries is compiled by the Immigration Service together with the police and the DRC. The list involves the EU countries along with other industrialised states, as well as countries such as Benin, Ghana, Niger, Senegal, Tanzania and Moldavia. (ELENA 2005, pp. 19–20; Sisäasiainiministeriö 2009, p 25.)

As mentioned earlier, the different kinds of fast-track or manifestly unfounded procedures risk the asylum seekers' right to receive a due and thorough legal process on her/his case that should always be assessed on individual grounds of persecution. In these procedures, the asylum

[73] In addition, Denmark has developed schemes by which skilled migrants – also rejected asylum seekers – can receive a temporary residence permit if they have been offered a job in Denmark. The conditions here are that the job on offer is on the "positive list" or falls under the "pay limit scheme" – which practically mean that the job need be relatively well paid, and/or be in a profession that is currently experiencing a shortage of employees in Denmark. (See Danish Immigration Service online 2009a & 2009b.)

seekers also practically have to provide a higher standard of proof for their asylum cases, as they have to rebut the assumption that they come from a "safe" country of origin. Denmark also has an extended possibility to detain asylum seekers from "safe countries" – meaning the deprivation of liberty from those whose cases are considered as manifestly unfounded (ELENA 2005, p. 20).

6.2.2. The return-geared reception process

When a person files an asylum application in Denmark, s/he is usually accommodated in one of the accommodation centres that are spread around the county, and most of which are operated by the Danish Red Cross. In some cases, the asylum seeker can also live in private accommodation, but this more unusual.

All in all, the Danish reception process is largely geared towards the potential return of the asylum seeker – mainly because it is assumed that her/his case is more likely to be rejected than accepted. This mentality shows in the support provided for asylum seekers during the asylum process, and although different kinds of activities are provided for all asylum seekers in the centres, they do not support integration in the Danish society.[74]

In addition to housing, the Danish Immigration Service provides asylum seekers necessary health care and social services; school for children; educational and other activities for adults; transportation to and from meetings with authorities; interpreters; as well as cash allowances. (Danish Immigration Service online 2009d.)

The size of cash grants varies, depending on whether or not the person lives up to the terms and conditions s/he has agreed to with the asylum authorities; whether s/he has a family to support; and whether or not the accommodation centre in which s/he lives provides free meals. In practice this means that a basic allowance for buying food and personal hygiene is provided for all asylum seekers – except for those who live in the Sandholm accommodation centre and receive free meals there. (They do not get any financial support.) In addition, a small supplementary allowance can be granted to those, who collaborate with the asylum authorities and comply with the rules of the accommodation facilities; similarly, the supplementary grant can be reduced if rules are being broken. Normally, asylum seekers with children also receive a small caregiver allowance for the

[74] This line of thinking originates from the 2000's. In 2002, for example, a series of new laws were made in Denmark, the purpose of which was to make Denmark less attractive as an asylum country, and hence to reduce the number of applications lodged in the country. The return-geared reception policy is part of this process. (See Strand *et al.* 2008, p. 56.)

extra costs of supporting a family. However, those whose cases are being processed in the "expedited version of the manifestly founded" procedure are eligible only to the basic allowance – unless living in Sandholm, where they receive meals and are hence not eligible to any financial assistance. (Ibid.)

As mentioned, some of the allowances are conditional in that a non-cooperative asylum seeker can be punished by reducing the support s/he is eligible to. First, all asylum seekers over 18 years old must make an agreement, or a contract, with the accommodation centre in which they live. Here, it is specified which courses the asylum seeker must take part in as her/his weekly activities, and what kinds of responsibilities s/he will have in the accommodation facilities. If the asylum seeker does not follow these terms and conditions, her/his cash allowance is reduced. (Ibid.)

In Denmark, asylum seekers are *not* allowed to do paid work during the time their applications are being processed. Instead – if over 18 – they are obliged to assist in the daily maintenance of the accommodation facilities, by doing small cleaning tasks for example. They may also be involved in other tasks in the centres – in routine office work, upkeep or reparation of buildings and so on – and this is called "internal activation". Asylum seekers may also take part in "external activation" through unpaid job training, humanitarian or other voluntary work. However, asylum seekers, who are still waiting for the decision of whether or not their application is processed in Denmark, as well as those whose application is rejected and are not willing to collaborate with the police, are only allowed to participate in the "internal activation" tasks. (Ibid.)

As for the educational activities offered to the asylum seekers, these are mainly geared to support the return and reintegration in societies of origin. Upon their arrival, the asylum seekers are first obliged to participate in an introductory course at the centre and, within a maximum of three months after filing the application, applicants over 18 years old must begin attending training courses. (Ibid.)

Asylum seekers may start participating in the courses already at the age of 17, but children between 6 and 17 are provided schooling either at the accommodation centre, or in affiliation with it. Here, the children are taught English as well as Danish, and other subjects taught in the Danish primary school. The hours per week corresponds to the Danish school system. (Ibid.)

The courses offered to adult asylum seekers are primarily designed to maintain and improve their general as well as professional skills, and they are held at or in association with the

accommodation centres. On average, ten hours per week are used for the courses. In practice, the courses may involve English language, training in the mother tongue of the applicant, or vocational courses the purpose of which is to augment their employability in the country of origin. Also entrepreneurship oriented courses are offered. (Ibid.)

We will come back to the return and reintegration related education in section 7.2.4., but generally the training can be seen as effectively supporting a sustainable return (e.g. Strand *et al.* 2008). However, the problem in the Danish approach is that the return and reintegration training is given *at the cost of the asylum seekers' integration* in the Danish society. Indeed, it may be argued that the asylum seeking children's schooling is the only activity Denmark provides for asylum seekers that at least partly supports not only return and reintegration but also integration.

Thus, it seems that while waiting for the processing of their applications in Denmark, the asylum seekers are openly treated as lower class residents – with no right to fully participate in the working life and a few changes to participate in the social life outside the accommodation centres. If the asylum seeker is eventually provided a residence permit – and almost half of the applications processed in Denmark *are* accepted – s/he is offered an intensive language course in Danish language before being relocated in a municipality (Danish Immigration Service online 2009d). In practice, this means that the process of integration can only begin at the time of the decision and, undoubtedly, the chances for the asylum seeker to find work or be able to support her/himself and the family are smaller at the outset than they would be if s/he was given language and other integration support already during the reception process.

Especially for the integration of women who come from very patriarchal cultures, this return-geared reception approach of Denmark can be harmful: After receiving the residence permit, many an immigrant woman builds her/his life around domestic duties of caressing the family, while the man is considered as the bread-winner. These women often do not have many changes to participate in the society of exile, to develop their language skills, and hence to find a job later on. Indeed, if integration support is not provided early on in the reception process, there is a larger risk that some asylum seeking individuals fall outside it also after the positive decision. These kinds of situations are certainly for nobody's benefit.

Thus, to sum up, from the viewpoint of gendered vulnerability as well as in general terms, the Danish model of strictly return-geared reception process cannot be supported by this study: While it may involve practices that genuinely support a sustainable reintegration of those who are

eventually obliged to return, such practices should never be developed at the cost of integration support. As we have constantly emphasised, while waiting for the decision, the asylum seeker realistically has *two* potential futures to prepare for: (1) residence permit and integration in the society of exile; and (2) removal decision and the obligation to return and reintegrate in the country of origin. Both these scenarios remain valid *until the final decision* has gained its legal force. While the Finnish reception system may at present lack systematic support for the latter, it can only be developed in parallel with the former – not at its cost. And the same applies also to the Common European Asylum System in general.

6.2.3. Forced to return: Punishment, surveillance, deportation

When an asylum application is rejected in Denmark and all levels of appeal exhausted, the asylum seeker is expected to leave the country immediately. S/he will, however, be provided an "adequate time" to prepare for the departure.

In certain cases, the authorities may also make exceptions and provide more time than in a normal procedure, such as when the asylum seeker is suffering from an acute illness, is at advanced stage of pregnancy, or has given birth shortly before the final ruling. (Danish Immigration Service online 2009a.) Similarly, also victims of human trafficking may be granted an exceptionally long time for departure – up to 100 days – if "particular reasons make it appropriate or if the alien is cooperating concerning a prepared return" (Aliens Consolidation Act, Part VI, 33 (14)). These are concrete examples of how also Denmark, at least to a certain extent, recognises gendered vulnerabilities in the asylum and returns process.

Also persons who collaborate with the authorities in the preparation of return and take part in particular return and reintegration programmes, may have more time to prepare for the departure, but we will return to this in the next section. In this section, we will discuss the means that Denmark uses in coercing asylum seekers to depart "voluntarily" and hence the measures that often lead to deportation.

In the Danish system, "voluntary" return is not only preferred and encouraged, but a considerable amount of pressure is placed on the asylum seekers that they would leave without causing problems to the authorities. Thus, while Denmark offers remarkable incentives to the "voluntary" returnees in the form of return and reintegration assistance, also methods of punishment are used so as to deter the asylum seekers to choose the "voluntary" route. Indeed, as

we will see, this case effectively underlines the fact that the term "voluntary" can only be used in quotation marks in the context of obligatory returns, if even then.

In Denmark, a number of punishments can be utilised if an asylum seeker whose application has been rejected refuses to leave the country and collaborate with the authorities in the travel preparations. One is the "food allowance programme", which means that an asylum seeker is provided money only for the purpose of buying food, and any supplementary allowances will cease to be paid. If the person in question lives in an accommodation centre that provides three daily meals, s/he will not be given a cash allowance of any kind. Families with children under 18, however, receive a "child package" every two weeks, which contains fruit, soft drinks and sweets. The authorities may remove an asylum seeker from the program, if s/he chooses to collaborate, if her/his departure deadline is postponed, or if the case is reopened. Furthermore, "in extraordinary cases", such as when unaccompanied minors or severely ill persons are involved, the authorities may bend the rules of the programme. (Danish Immigration Service online 2009d.)

We do not have information as to how often the rules are practically bent, and whether gendered vulnerabilities are considered when doing so. However, the practice of providing only food for asylum seekers before their departure – especially, if the deportation cannot be implemented and s/he has to wait for long periods of time – does *not* serve the aims of sustainable returns. As has been mentioned earlier, returning destitute persons into areas that already suffer from poverty and/or conflicts, does not serve the interests of anyone – not the returning country, the country of origin, and certainly not those of the returnee. Especially when vulnerable groups are involved – single mothers or single women, for example – these kinds of practices should be taken under strict scrutiny.[75]

The food allowance program is, however, only one means by which to enforce the alien to collaborate. Namely, when an asylum seeker has been on the food allowance program for four weeks, and still refuses to collaborate, s/he is usually given a "relocation order" by the Immigration Service. This is often recommended by the police, who also announce the order to the person in question. In practice, relocation means a transfer to a particular departure centre, and the order applies also to children under 18 years old. (Ibid.)

[75] The central ethico-political question to consider here would be: What are the means of survival for such vulnerable groups of impoverished returnees at the point of return – and who is responsible for their plight?

There are two departure centres in Denmark, run by the Immigration Service together with the Danish Red Cross. If the food allowance program continues after the transfer, those relocated at the Sandholm centre will no longer receive money to buy food, but are provided food at the centre. The police are present in the centres to maintain order, and those not willing to return "voluntarily" are no longer allowed to participate in courses of job activation. (Danish Immigration Service online 2008.)

Before the returnee is deprived of her/his liberty, however, there are also methods of surveillance that the Danish authorities can apply, if the return cannot be enforced, and the asylum seeker refuses to collaborate. First, like in Finland, the police may confiscate her/his passport or travel documents; require a bail for a certain amount of money; ask the returnee to stay at a specific address; or ask her/him to report to the police at specified times. (Aliens Consolidation Act, Part VI, 34.)

However, if none of these measures are being complied and the person "has repeatedly been punished for failure to observe a residence order", an *electronic tag* can be fitted to the asylum seeker's body as a means of tighter control. The tag should be fitted "as gently as permitted by circumstances", but the police may be allowed for a "requisite use of force" in the procedure if need be. Although the fitting of an electronic surveillance tag on a person's body is a clear breach of her/his corporeal integrity, the procedure need be brought to the court *only* if the asylum seeker in question so requests. The asylum seeker will, however, be punished with a fine if s/he does not assist in the fitting of the tag, or if s/he removes or destroys it. (Aliens Consolidation Act, Part VI, 34a.)

When the above measures are considered as inefficient in controlling the asylum seeker, s/he can be deprived of liberty – that is, detained. In these circumstances, and so as to enforce the asylum seeker to collaborate in the return questions, the police may also request the court to put her/him in solitary confinement for up to four weeks at the time. (Aliens Consolidation Act, Part VI, 37c.)

Again, we do not unfortunately have data on how frequently these measures are being taken, and whether particular vulnerabilities are being considered in their implementation. Yet, these examples of the Danish asylum and return policies exemplify the ways in which *"voluntary" returns are being literally enforced by means of punishment*. We want to emphasise that such

treatment generally undermines the returnees' self-confidence, as well as strengthens the existing traumas and vulnerabilities rather than addressing them sensitively.

In fact, only recently, Denmark was accused of breaching the UN Convention against Torture by putting an asylum seeker with traumas of torture in Iraqi prisons into solitary confinement when pending for deportation. The man had completely broken down in the conditions of detention, but had later been deported to Iraq – where he had been arrested for one night upon the arrival. (IRCT 2009.) Certainly, such experiences do not support the aim of sustainable and humane returns.

Thus, to sum up, when developing Finnish or European return politics, the different measures punishment in return procedures should be taken under critical review – rather than increased. The Danish perspective, in this regard, exemplifies policies that are *not* to be followed.

6.2.4. Obliged to return: "Voluntary" return assistance in Denmark

In 2002, following a change of government, the Danish asylum policies were considerably tightened. A range of new laws were passed, the aim of which was to make Denmark less unwelcoming as an asylum country, and to hence cut down the number of asylum applications. The laws severely tightened the conditions of asylum seekers residing in Denmark – to the level described above – and indeed the number of applications decreased. (Strand *et al.* 2008, p. 56.) While this kind of tightening of asylum policies in general is not to be welcomed, these developments also led to certain improvements in return assistance. Here, Denmark has some good practices that deserve special attention.

Like the other Nordic countries, Denmark does not have a generic AVRR program – that is, a program that would offer return *and* reintegration assistance to all asylum seekers whose applications have been rejected. However, since 2003, the Alien's Consolidation Act (Part VII, 43a) has regulated that "rejected" asylum seekers who choose to return "voluntarily" and assist in the making of the travel arrangements are eligible to return assistance. This assistance covers the travel expenses of the returnee; expenses necessary for the transportation of her/his personal belongings; the transport of equipment necessary for the trade of the person or family in the country of origin (costs up to 5,000 DK/approx. 700 EUR); as well as "other expenses incidental to the journey" (Alien's Consolidation Act, Part VII, 43a (5)). In addition, the returnee receives a small cash grant on departure. The sum is adjusted each year according to the rate adjustment

percentage, and in 2007 it was 3,287 DK (approx. 460 EUR) for each adult, and half of that to children under 18 years old. (Aliens Consolidation Act, Part VII, 43a (6–8); Strand *et al*. 2008, pp. 57–58.)

This generic return assistance is not, however, available to those whose applications have been processed in the manifestly unfounded procedure, who have a re-entry ban at place in Denmark or in the Schengen area, and some other groups, such as those considered as a threat to national security. (Aliens Consolidation Act, Part VII, 43a; Part I, 10; Part VIII, 53b.)

In Denmark, "voluntary" as well as forced returns are being administered by the police, who also judge the individual returnee's eligibility to assistance (Sisäasiainministeriö 2003, p. 24). Those returning voluntarily are also eligible to assistance and counselling via IOM, which until 2009 operated in Denmark through the organisation's Helsinki office. Relatively recently, IOM Helsinki has opened an office also in Copenhagen.

In fact, since 2003, Denmark has utilised IOM's services in a number of AVRR programs offered as additional support for returnees to Iraq and Afghanistan. Some of these programs have included extensive reintegration support especially in terms of pre-return training, and are hence worth taking a closer look.

In the Aliens Consolidation Act (Part VII, 43c), it is stated that the Minister of Refugee, Immigration and Integration Affairs may lay down particular rules for a special "upgrading course" for asylum seekers whose application has been rejected and who collaborate with the police in the arrangement of her/his departure. This contract is to be made with the Immigration Service, and the courses may only be arranged if Denmark runs or is planning major aid and reconstruction projects in the returnees' countries of origin, and if there are readmission agreements or other arrangements at place that enable also forcible returns to those countries.

In practice, this law enables Denmark to organise additional return and reintegration programs to countries where it is to return large numbers of "rejected" asylum seekers, and hence make "voluntary" returns to those countries more attractive.

Since 2003, Denmark has offered extended return and reintegration support to asylum seekers returning to Afghanistan and Iraq. The programs have largely followed the model introduced in the Norwegian case study of IRRANA – hence including information and counselling in Denmark; assistance in travel arrangements; assistance in departure, transit and arrival; medical escorts for the journey when necessary; vocational or education training or job

referrals in the country of return; internships; or a small business set-up (e.g. IOM Helsinki online 2005a; 2005b). The programs have been coordinated via IOM Helsinki (now via the branch office in Copenhagen), and they have always involved relatively big cash grants paid to the returnees upon arrival. In addition, the programs have also covered the costs of air cargo for the returnees' personal belongings.[76]

These programs have always been limited in time, however, which has somewhat undermined the information work involved: First, because the assistance is not continuously and systematically available to all returnees, the information might not reach all those eligible. Also, in individual cases the limited assistance programs may seem arbitrary, since when an asylum seeker *happens* to receive her/his final negative a month after a particular assistance program has finished, s/he will receive less support for sustainable reintegration than another person in the same situation did only four weeks earlier. Also other returning nationalities have felt that offering this kind of support to some countries only is arbitrary and unjust, since they too would have the same needs.[77]

As for the size of cash assistance given in the Danish reintegration programs, the returnees to Afghanistan have received approximately 2,000 EUR per each adult, and about 700 EUR for each child. In the programs to Iraq, the size of the grants has changed from program to another, so that in the first program between May 2003 and April 2004 it was 2,426/809 EUR per each adult /child; between February 2005 and October 2005 from 1,752 to 2,291 EUR for adults and 674 EUR for children; and between December 2007 and March 2010 as much as 6,065/3,302 EUR per adult/child. The cash assistance is channelled through IOM, and paid upon arrival.[78]

It need be noted, however, that in spite of the relatively big sums of money given especially to Iraqi returnees, the cash grants have not been extremely effective in attracting returnees to leave "voluntarily". Indeed, as has been mentioned earlier, the cash grants on their own are unlikely to increase the number of "voluntary" returns, any more than they can guarantee a sustainable return: The decision to return is always complex, and various realities in the life of the returning individual play a role in whether or not s/he is willing to leave "voluntarily".

Similarly, whether or not the returnee is capable of reintegration in the country of origin depends not so much on one-off cash grants than on the skills s/he can utilise in attempts to

[76] See also Jacob Jørgensen's presentation for the seminar "Kun on pakko palata…", 16 Nov 2009. See fn. 9 for website.
[77] Interview with a member of staff at IOM Helsinki, 16 Oct 2009.
[78] Jacob Jørgensen's presentation in the seminar "Kun on pakko palata…", 16 Nov 2009. (See fn. 9 for www-page.)

support her/himself upon the arrival. In the Danish return and reintegration programs a particularly positive thing is their investment in the pre-return training of the returnees.

The upgrading courses referred to in the Aliens Consolidation Act are courses designed to give the returnees education or training that fits to their individual needs and capabilities – and is therefore likely to provide them with a route to employment. The length of the courses varies from program to program, but the longest courses have taken up to nine months to complete[79]. Section 43c in the Aliens Consolidation Act ensures that when the Minister of Refugee, Immigration and Integration Affairs has decided about a particular reintegration program, those taking part in it will be eligible to stay in the country until completing their course.

In the organisation of reintegration assistance, the Danish Immigration Service collaborates not only with IOM Helsinki, but also with a range of NGOs. Danish Refugee Council and an NGO called Care4You, for example, have assisted IOM in the distribution of information on the programs to asylum seekers (IOM Helsinki online 2008; Strand *et al.* 2008, p. 59), and the pre-return training is usually provided through the Danish Red Cross program want2work.

Want2work, for example, is a project set up by the Danish Red Cross in 2002, so as to provide asylum seekers with a chance to maintain and improve their professional skills while waiting for the asylum decision. Its initial aim was to tackle the passivity in asylum seekers' lives in Denmark, and to empower them during the asylum process although they were not allowed to much participate in the Danish working or social life. Initially, the project was meant to prepare the asylum seekers for integration in the Danish society, but with the change of policies the same year, the emphasis of the training was turned towards return and reintegration. In practice, this meant changing the language of instruction from Danish to English, for example, and adjusting of training to meet the skills that were likely to be required in the return societies. (Strand *et al.* 2008, p. 57.)

Want2work places strong emphasis on individually tailored training, so that the education offered helps to build the existing skills, while simultaneously gapping potential deficiencies thereof. An individual auditing of professional and personal skills form the basis of each asylum seeker's training, and it takes place not only in the beginning of the training scheme, but also throughout it. Depending on the personal inclinations of the students, want2work provides language and vocational training; business and computing courses; courses in sewing, hairdressing,

[79] Interview with a member of staff at IOM Helsinki, 16 Oct 2009.

catering, journalism, social and health care and so on. The learning materials are produced by the Red Cross, and the courses normally involve twenty hours of teaching each week for a period of 8 to 12 weeks. At the completion of the course, each participant is provided with a certificate, after which it is possible for her/him to undergo work experience, or enrol on courses at external institutions, including universities. (Want2work home site; Strand *et al.* 2008, p. 57.)

Although want2work is involved in the pre-return training already during the asylum process, similar courses are utilised in the upgrading courses after the final negative decision. The value in these schemes is that they address the asylum seekers' needs of education on an individual basis, hence allowing for genuine development of their confidence and skills. It cannot be emphasised enough that this kind of *individually-tailored* assistance is also likely to best address the gendered challenges that each individual faces; provided of course that such challenges are recognised in the planning of the training.

Furthermore, in the Danish AVRR programs, the upgrading courses are completed *in Denmark before departure*, and the training is also taken into account upon the arrival – when thinking of suitable reintegration assistance for each particular person. Thus, unlike in the Norwegian IRRANA program, where almost all returnees were offered a small business grant regardless of their capabilities of entrepreneurship, this model seems to take into account the needs and capacities of the individual, her/his existing skills, as well as the employment conditions in the country of origin. This would also form a good basis also for gender-sensitive reintegration assistance, as it allows for assessment of how gender impacts each individual's position *vis-à-vis* return and reintegration. Furthermore – as far as the communication really works between the training institution in Denmark and the officials responsible for reintegration assistance in the country of origin – the model would also seem to be effectively coordinated.

In fact, in the most recent AVRR program to Iraq, Denmark has collaborated with the Association of Experts in the Fields of Migration and Development Cooperation (AGEF gGmbH) – a German NGO specialised in the employability of returning refugees and asylum seekers in their countries of origin. AGEF has wide networks with employers both in Germany and the return countries – such as Afghanistan and Iraq – and it has collaborated also with other countries (e.g. Sweden) in the organisation of country-specific AVRR programs. AGEF's services to returnees seem to be well coordinated and individually tailored, and also specific programs for women are offered. (See e.g. Tema asyl 2008; AGEF home site; AGEF 2009.)

To returnees from Germany, for example, AGEF's services include consultation and information meetings, pre-return job placements, and the possibility to apply for a job in the country or origin already before the departure. In addition, AGEF refers returnees to job placements in the countries of origin; offer possibilities for further education also after arrival; offer on the job training; particular programs for returnees with higher education; business start-ups, and so on. (AGEF home site.)

Unfortunately, the Danish AVRR programs, their individual elements, or the collaboration with different NGOs have not been evaluated from the viewpoint of reintegration (Strand *et al.* 2008, p. 59), and we cannot therefore assess their workability in practice. Especially if extended towards a more generic form of return and reintegration assistance, the model would nevertheless be worth further exploration when thinking of sustainable return politics for Finland. We would also recommend Finland to find out about possibilities to collaborate with international NGOs such as AGEF.

6.3. The Danish approach: Concluding remarks and some gender aspects to consider

In this chapter, we have discussed the Danish approach to return, starting from its strict asylum politics and the related asylum and reception process that is openly geared towards return. Here, we criticised the Danish policies for their anticipation that most asylum applications are rejected, and hence the policy of isolating asylum seekers from the rest of the Danish society.

We also criticised the Danish policies preceding deportation – specifically the tendency to *enforce asylum seekers to return "voluntarily",* as absurd as it may sound. Here, we reviewed the methods that the police may use when pressurising the "rejected" asylum seeker to collaborate in the travel preparations, and argued that many of these methods directly undermine the aims of humane and sustainable return. The "food allowance program", for example, allows for the destitution of a returnee before her/his departure, and experiences of solitary confinement undermine the returnee's self-confidence that is arguably crucial for the processes of reintegration.

In conclusion of this discussion, we want to emphasise that the Danish asylum/reception and deportation model in general are *not* recommendable in they isolate asylum seekers from the rest of the society while the applications are examined, and eventually allow for their removal from the country by rather dehumanising means.

However, in the discussion regarding the Danish assistance of "voluntary" returns, we noted that especially *the training* provided in the return-geared process *as such* is worth closer examination: Namely, if offered *in parallel to* integration *and not at its* cost like in Denmark, this form of activation can be genuinely valuable for the asylum seeker *if* s/he is later obliged to return.

Similarly – *when analysed in isolation from the rest of Danish asylum politics* – the particular AVRR programs Denmark has offered to Afghans and Iraqis involve a number of exemplary elements that Finland should consider when developing its own return and reintegration politics.

The value in these programs is not so much in their sizeable cash grants (though, let's face it, without *any* money the returnees' possibilities of reintegration would be rather dim) than in the individually-tailored training and education that improves the returnees' employability.

Indeed, this is a crucial point for our project as well as for the development of gender-sensitive return politics in general. Namely, it is only on the basis of these kinds of individualised models of assistance that gender-sensitive practices can be built: Gender is a matter of relations that cut through the entire social order, hence influencing the positioning of each and every individual. As far as return and reintegration assistance are concerned, what ever support is offered to an individual at the point of a negative asylum decision, it need be assessed what is her/his particular gendered position *vis-à-vis* return and reintegration to the particular area of origin; how this impacts her/his means of survival; whether it makes her/him stronger or more vulnerable than other returnees; and, if the latter, by what kind of training, education or assistance this vulnerability can be best diluted.

These are questions that need be asked when planning an individually tailored return-package that is also gender-sensitive. We do not know whether such questions are being systematically asked in the Danish programs, but if there is no basis for such an individualised thinking of assistance, it is highly unlikely that the gender issues are addressed at all. In short thus, while not automatically gender-sensitive in its design, in its appreciation of individual differences between the returnees the Danish AVRR model would serve as a stable basis for a genuinely gender-sensitive approach.

The Norwegian case study of IRRANA implied that reintegration assistance in the country of origin may bring only lame results if the returnees are not prepared for reintegration already before their departure from the country of exile. Here, it was also noted that the pre-departure

training needs to be planned so that it meets the realities in the countries of origin after the arrival – that is, there need be coordination between the two ends. In the Danish AVRR programs, it seems at least, these aspects have been accounted for. Furthermore, while properly coordinated assistance serves the needs of all returnees, it is likely to benefit especially the vulnerable groups, as the monitoring and follow-up of their situation becomes easier with coordination.

The Danish approach of the "upgrading courses" must also be commended for the fact that it acknowledges the linkages between return, reintegration and development/reconstruction of the countries of origin[80], as well as effectively utilises the capacities of different national and international NGOs. The upgrading courses also tend to provide an exceptionally long period of pre-departure preparation for asylum seekers who are obliged to return – which is generally a good thing. We think, however, that the programs would bring more effective results to all actors concerned – the state authorities and the returnees alike – if this kind of return and reintegration assistance were generally available to all returnees, and not based on individual projects limited in time and resources. That systematically sustainable return politics cannot rely on individual programs and projects applies as much to Denmark as to Finland or any other country[81].

To sum up thus, when thinking of potential and useful models for the development of Finnish return politics in general – bearing in mind that sustainable return politics always involves elements of reintegration – the Danish AVRR programs bring to the fore many important examples to follow. This does not mean however, that the Danish model should be followed in terms of its strict asylum procedures also: Developing reintegration assistance *at the cost of* integration support simply does not serve the general aims of humane and sustainable asylum politics, in which return politics forms but one element.

However, in our recommendations, the aim for Finnish return politics should be to develop systematic assistance rather than a model that relies on separate projects limited in time and resources – and hence the Danish models of AVRR assistance should be taken to a more systematic level to fully succeed. This aim would serve returnees in general, but particularly the vulnerable groups who are most in need of assistance – and hence cannot afford to fall in the gaps between two or more time-limited schemes of support.

[80] A condition in the provision of the courses for returnees was that Denmark must also have a "major aid project" at place or under planning in the particular country of origin where the AVRR assistance is to be offered.
[81] To a certain extent, of course, pre-return training *is* available to all asylum seekers in Denmark – through the return-geared asylum process.

7. CONCLUDING REMARKS: TOWARDS A SYSTEMATIC AND GENDER-SENSITIVE RETURN POLITICS IN FINLAND

In this report, we have reviewed the policies that the four Nordic countries of Finland, Sweden, Norway and Denmark have for the return of "rejected" asylum seekers. The motivation behind the study has been twofold: On one hand, the aim has been to help develop the Finnish return politics; help make it more systematic, more coordinated. For if there is one thing to be learned from the study, it is that the other Nordic countries are more advanced than Finland in both their thinking and practices of return assistance. On the other hand, however, while provoking debate about the development Finnish return politics, this study is also meant to serve as a tool for further research in our project. Namely, the main aim in our wider project is to develop *gender-sensitive* return policies for Finland, especially in the case of Iraq and Afghanistan.

It is true, that this study on its own says very little about gender – or the situation in Afghanistan or Iraq for that matter. Yet, a study like this was necessary for us to see, what the starting point is for the development of Finnish return politics in general; from which kind of basis we need to start building the lego house of assistance that is not only stable but also gender-sensitive.

Indeed, the original aim of our project was to gender-mainstream the Finnish return politics, and this study was meant to do the same for the practices of Nordic countries in general. The aim was not realistic for a study completed in a few months time, however. This was, first, because there is no return politics in Finland which to analyse from the viewpoint of gender and, secondly, because the Nordic studies of return – on which we largely relied in the shortage of time – do not much address gendered vulnerabilities, or how they are presently met in practices of assistance.

However, to stand back from the original ambition of thorough gender-mainstreaming was not necessarily a great loss for the forthcoming research – or for the ongoing debate. Namely, many findings in this study imply that a truly gender-sensitive return politics can only ever build on a basis of comprehensive and systematic return assistance that is not only offered to all returnees regardless of their origin, but also *treats the returnee as an individual with individual needs, vulnerabilities, and strengths*.

This is because gender cuts through all socially constructed situations – giving strengths to some, while making others particularly vulnerable. Gender-sensitivity in return-assistance is therefore not only about paying a mechanic attention to women without male support, to unaccompanied minors, or to sexual minorities (though it is arguably also about this, since these groups often are in weaker position than many others). This is because paying automatic attention *only* to some pre-determined vulnerable groups will easily overshadow the gendered vulnerabilities of others. Thus, in addition to the special attention given to women, children and sexual minorities, *each returning individual must be viewed as a gendered individual*: for some, their gendered position may mean relative strength in the situation of return and reintegration, while for others it means vulnerability to violence and further displacement.

True, this study says next to nothing about how these strengths and weaknesses are constructed *vis-à-vis* returns to Iraq and Afghanistan, but we did not want to draw conclusions on the matter before collecting proper research material about the question. While writing this report, a member of our team has started to collect interview material by which it is possible to analyse, how the gendered positions of different types of returnees to these two countries influence their prospects of sustainable reintegration. On the basis of the present study, however, it can be concluded that to address these different groups' gendered vulnerabilities, what is required is a stable basis for individually-tailored, systematic and comprehensive assistance. For without such a basis, it will be impossible to trace the vulnerabilities of returning individuals – let alone offer them the support they need. For assistance specifically designed to meet the needs of the vulnerable cannot take place without a stable political basis of offering assistance to all – any more than the pieces of a lego house can hang in the air.

What then, could we learn about the practices of other Nordic countries, when starting to think about such a stable basis of assistance?

The case studies of individual countries were not constructed in a systematically comparative manner but, rather, we aimed to present some nationally specific features in their particular approaches. In the Finnish case, we concluded that although the questions of return are, to some extent, a business of all the authorities working in the field of asylum, they are eventually of nobody's business. This means that, even though many different authorities have their own return-related practices, their work is not comprehensively coordinated. Consequently, even

though in the Finnish asylum system as a whole there might be individual elements of assistance available, they tend not to reach the returnees evenly and at the right time.

Furthermore, a comprehensive picture of return lacks not only from the domestic politics asylum, but there also is no understanding how issues of return and asylum directly relate to the policies Finland or the EU purport *in the third countries.* Here, we referred specifically to the fields of civilian crisis management and development cooperation, and to the need of assessing their ambitions *vis-à-vis* those of asylum and return policies.

Hence, for a systematic and sustainable return politics to emerge in Europe, we must try and comprehend a far bigger picture of asylum, return and indeed of forced migration than is presently done in the European returns discourse. This would require, on one hand, an efficient coordination of return-related activities between different authorities dealing with issues of asylum and, on the other, coordination between the "domestic" politics of asylum/return and the "international" policies of crisis management and development cooperation. Indeed, this is all about one and the same picture of global responsibility, where the movements of asylum seekers – their exile, return, internal displacement, or decisions to stay put – are key points of unification.

In the Swedish case study, we did not much discuss individual programs of assistance, but tackled the ways in which Sweden attempts to build its return policies on a kind of bigger picture we are calling after. Here, we introduced the holistic approach to return that Sweden applies from the very beginning of asylum and reception process. Here, a key term was the *"two-track" approach to integration*, where the asylum seekers are seen as needing two types of support while waiting for their applications to be processed. In the Swedish approach, the aim is to actively prepare them for two potential futures: on one hand, for the positive decision of a residence permit and hence for *integration* in the Swedish society; and, on the other, for the rejected application, and hence for return and *reintegration.*

In the discussion, we acknowledged that the Swedish approach at the moment might not function in practice as well as it could – largely due to difficulties in the distribution of information and assistance evenly to all asylum seekers regardless of which part of Sweden they reside. Here, it was also noted that, in spite of the comprehensive picture that Sweden purports on the level of thinking return, in practice the Swedish return and reintegration assistance relies on individual projects of assistance, hence being limited in time and resources. This, we think, effectively undermines the workability of the Swedish approach, as holistic as it might be: It is simply not

enough to understand the bigger picture on the level of thinking, but systematic and comprehensive return assistance also requires a systematic and comprehensive material basis on which to build.

Thus, although we recommend Finland learns from Sweden its way of thinking return holistically as an integral part of the asylum process as a whole, in questions regarding the material basis of assistance we would advise the policy-planners to turn to Norway. Namely, Norway at the moment has the most generic return assistance program when compared to the other Nordic countries. This program is administered via IOM Oslo, and it also has a stable basis of funding which ensures the continuity of assistance – and hence availability of support to all "rejected" asylum seekers regardless of when her/his final decision is given.

In addition to its generic return assistance, however, Norway also has additional programs – additional elements for the lego house if you like – in which much emphasis is placed on questions of reintegration. Of these, we reviewed the program IRRANA, which supports the return and reintegration of "rejected" asylum seekers to Afghanistan.

In principle, the design of IRRANA seems to take into account the different needs and capacities of returning individuals, by offering different kinds of reintegration support from job referrals to education to business start-ups, for example. However, the external evaluation report on which our review was based on found out that, in practice, the program failed to provide genuinely individual assistance to returnees, so that the support given would meet both their needs and existing skills and hence effectively contribute towards sustainable reintegration. It was also argued that, in order for the reintegration support to meet its goals, the preparation and training for reintegration would need to begin already before the arrival in the country of origin – that is, already before the departure from Norway.

Thus, Norway's example for Finland is to be found in its generic model of return assistance, on which different additional elements of support can be added depending on particular needs. The generic model of Norway would, however, be even more exemplary if reintegration support was included in the assistance available to all returnees; at the moment, reintegration support in Norway is an additional element open to some groups of returnees only. According to IOM Oslo, Norway is looking into the possibilities to widen the reintegration assistance onto a more generic level – and this indeed is the route that Finland should also take when developing its comprehensive politics of return.

Norway also does not provide pre-return courses for returnees – other than business training – which the Danish case implies would benefit sustainable returns. Namely, while financial assistance for returnees can support the reintegration only as long as the money lasts, skills acquired during the time of exile are a tradable good for long periods of time.

In the Danish case study, we first reviewed a range of strict and isolating asylum and reception policies that should *not* be followed when developing the Finnish politics of return. However, in the Danish case, an exemplary feature was its reintegration programs for some groups of returnees, and especially the pre-return training these programs involved.

In Denmark, return-related education is provided to asylum seekers all through the asylum process. While it need be emphasised that this should not be offered at the cost of integration-related activities – as Denmark infamously does – this kind of training of concrete skills could be well recommended as part of the "two-track" approach to integration for example.

Denmark also offers extensive AVRR assistance to specific groups of returnees. Here, those returning "voluntarily" are allowed to stay in Denmark until the completion of an "upgrading course" where reintegration-related skills are trained in individually-tailored programs. The training received is then put into practice after the arrival in the country of origin, where the returnee is provided assistance in the form of job referrals, business start-ups, job placements, or further education.

Although we do not have information on the results of this model in practice – on whether or not the assistance has contributed towards sustainable reintegration – this kind of a model would come close to the individualised and comprehensive return assistance that could also serve the aims of gender-sensitivity, especially if offered systematically to all returnees. Furthermore, this is a model of assistance that can take into account the linkages between asylum/return politics and international development and reconstruction assistance in crisis torn areas.

It need be noted, however, that these kinds of programs – especially successful ones – are not possible without the participation of wide range of actors, from the national asylum authorities to international organisations (such as IOM), to national as well as international NGOs to the returnees themselves and, indeed, the local populations in the countries of origin. To make such a wide network of actors to collaborate for mutual gains, what is required is first of all coordination – and a systematic material basis on which to build.

Already a thin overview of four countries return policies shows that, when starting to develop the Finnish return politics, we do not need to start from the scratch. Indeed, by learning from the good practices of others – and by unlearning their bad practices – it is possible to see which kind of a lego mat is the best one to build a house upon.

Also, when thinking of a list of best practices for return politics, this study provides by no means the most comprehensive or concise one. Therefore, to conclude this study, we will apply one such list below, with some of our own additions and emphases. This list is originally compiled by the Danish Refugee Council (2006), and we have chosen to refer to this source instead of other equally good ones because of its comprehensiveness, shortness and clarity. (See also Danish Refugee Council 2008; ECRE 2003 & 2005.)

Indeed, if the below ten points are utilised as a quick list in the development of Finnish return politics, we believe that the route taken is already relatively sustainable. Add constant and effective coordination across administrational borders, treat each returnee as a gendered individual with particular needs and strengths, tackle also the injustices imbued in the EU level return and asylum politics, and never forget the primary aims of justice and human rights – and there is a fair chance the resulting politics of return will help to make the CEAS as a whole more humane.

****

In a sustainable politics of return, the following points should be respected:

(1) *An absolute prerequisite for fair and sustainable returns* is *fair and efficient asylum system* since "incorrect decisions – including decisions on premature return – can ultimately lead to renewed persecution of the persons involved" (Danish Refugee Council 2006). Here, we would like to add that this is a particularly important point regarding CEAS as a whole, and especially the Dublin returns: at the moment, fair and efficient asylum procedures are *not* in place in all EU countries, which means that Dublin returns constantly lead to renewed persecution of returnees, in one form or another.

(2) Cases involving the concepts of "internal flight alternative" and "safe third country" should be critically considered, as well as returns to generally unsafe countries and areas. Similarly, persecution by "non-state agents" – including gender-based persecution in the private sphere, we might add – and the situation of civil war refugees should be taken seriously, and special attention must be paid to particularly vulnerable groups under all

circumstances. *The option of humanitarian residence permit in such cases must be a genuine option.*

(3) When an asylum seeker's application is rejected and s/he is obliged to return, *mandatory return – that is, "voluntary" return in the present EU jargon – is preferable*. "Efforts to encourage a maximum degree of consent in the return process should be intensified" (ibid.).

(4) Yet, we want to add, the previous should not mean the intensification of measures of surveillance, punishment, or other kinds of threats of dehumanising deportation. Instead, *"[r]eturn must be sustainable and based on positive incentives, not sanctions*" (ibid., our emphasis). Only positive incentives – not detention, withdrawal of financial support, or other pressure – can contribute to the aim of sustainable returns.

(5) *Sustainable return politics requires a holistic approach*. This means that the skills of asylum seekers are to be maintained and improved during the asylum and reception procedure. We would add that this also requires adequate psycho-social support for the asylum seekers, so that they can deal with their past traumas as early in the asylum process as possible. In the case of Finland, one concrete measure that need be taken is to ensure that also children who are torture victims receive adequate treatment. Furthermore, a thoroughly holistic return politics must also include an international dimension, so that the "return of rejected asylum seekers […] respect[s] the coordinated efforts of the international community, taking into account the establishment of peaceful conditions, stability and economic progress" (ibid.) in the countries of return.

(6) *All return procedures must respect human rights, as well as the humanity, dignity and safety of the returnee.*

(7) *Sustainable return politics involves also support for reintegration*, since "[t]he return process does not end with the physical return. Reintegration programmes form a crucial part in helping returned persons resume a place in their home country and in ensuring that the return is sustainable" (ibid.). We wish to emphasise that the reintegration support must begin already in the country of exile, and include adequate training as well as information work. The reintegration assistance must also be properly coordinated so that the skills acquired before departure can be utilised after the arrival in the country of origin.

(8) *Sustainable return politics should also involve elements of monitoring:* "Monitoring programmes should be developed to support asylum seekers' return and reintegration and to help ensure that their return is safe, humane and dignified and in accordance with fundamental human rights" (ibid.). Moreover, a systematic monitoring of returns could also help to develop better and more sustainable return policies.

(9) *Everybody should have the right to seek asylum*. The Danish Refugee Council raises the need of information work also in countries of origin, so that misinformation from human traffickers for example would not lead to futile and often dangerous asylum attempts in situations where the person does not have a genuine need of international protection. Here, we would also add that the EU should pay more attention to the availability of legal routes to seek asylum in Europe. At the moment, the development is the opposite, with airport personnel at the boundaries of Europe being advised not to let potential asylum seekers to board on flights, and by other measures of strengthening the walls of "fortress Europe". Such measures feed directly into the trade of human traffickers – and the opposite should be the aim in sustainable asylum politics, of which return politics forms but one part.

(10) *The right to return all the way home.* Asylum seekers whose claim has been rejected should be provided the chance to return to their original place of origin and, we want to emphasise, this should apply to also those forcibly returned. Yet, if the returnee wishes to settle and be reintegrated in another part of their country of origin, also this wish should be respected.

LIST OF REFERENCES

2008/115/EC: Directive of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. *Official Journal of the European Union,* No. 348, 2008 (24.12.2008). Available online at: [Http://eur-lex.europa.eu/JOIndex.do?ihmlang=en], last accessed 9 Oct 2009.

Åberg, Leena-Kaisa (2007): "EU:ssa kaavaillaan yhteistä palautuspolitiikkaa – mutta kenen ehdoilla?" *EU:n palautuspolitiikka. Kenen ehdoilla?* Seminar publication on the prospects of EU returns directive, co-organised by the Finnish Red Cross, Finnish Refugee Advice Centre, Finnish Refugee Council and Amnesty International's Finnish section. Available online at: [Http://www.pakolaisneuvonta.fi/files/EU_palautuspolitiikka.pdf], last accessed 15 Oct 2009.

AGEF (2009): *Press kit on the occasion of the grand opening of the ETTC Erbil (European Technology and Training Centre) by the Minister of Foreign Affairs of the Federal Republic of Germany, Frank Walter Steinmeier,* 18 February 2009. Available online at: [Http://www.agef.net/AGEF_IRAK/material/20090226_ETTC_Pressemappe_engl.pdf], last accessed 17 Dec 2009.

AGEF home site: [Http://www.agef.net/], last accessed 17 Dec 2009.

Åkerberg, Helena & Agneta Wassdahl Köhl (2003): *Slutrapport Sökandeundersökning: Återvändande, analys, slutsatset och förslag.* Migrationsverket, Dnr MV-11-2001-7276.

Aliens Consolidation Act No. 785 of 10 August 2009 (Denmark). Available online at: [Http://www.nyidanmark.dk/NR/rdonlyres/C2A9678D-73B3-41B0-A076-67C6660E482B/0/alens_consolidation_act_english.pdf], last accessed 16 Dec 2009.

Banerjee, Paula; Chaudhuri, Sabyasachi Ray & Samir Kumar Das (2005): *Internal displacement in South Asia.* Sage: New Delhi/Thousand Oaks/London.

BIP homesite: Homesite for Business Innovation Programs in Norway, available at: [Http://www.bips.no/about.html], last accessed 6 Jan 2010.

Black, Richard & Khalid Koser (1999). *The end of refugee cycle? Refugee repatriation and reconstruction.* Berghahn Books: New York/Oxford.

Black, Richard; Koser, Khalid & Martha Walsh (1998): *Conditions for the return of Displaced persons from the European Union.* Office for Official Publications of the European Communities: Luxemburg.

Black, Richard; Koser, Khalid; Munk, Karen; Atfield, Gaby; D'Onofrio, Lisa & Richard Tiemoko (2004): *Understanding voluntary return.* Home Office Report 50/04, Sussex Centre for Migration Research. Available online at: [Http://www.homeoffice.gov.uk/rds/pdfs04/rdsolr5004.pdf], last accessed 9 Jan 2010.

Blitz, Brad K.; Sales, Rosemary & Lisa Marzano (2005): "Non-voluntary return? The politics of return to Afghanistan." *Political Studies,* Vol. 53, No. 1, pp. 182–200.

Bohmer, Carol & Amy Shuman (2008): *Rejecting refugees: Political asylum in the 21st century.* Routledge: Oxon/NewYork.

Brekke, Jan-Paul (2004): *While we are waiting: Uncertainty and empowerment among asylum-seekers in Sweden.* Institute for Social Research (Oslo), Report 2004:10.

Brekke, Jan-Paul (2008): *Fra tilbakevending til retur: Evaluering av Flyktinghjelpens informasjonsprosjekt INCOR.* Institutt for sammfunnsforsking, Oslo. Rapport 2008: 12.

Brekke, Jan-Paul (2009): "Preparing for the end-game: Communicating return to asylum-seekers." Conference paper presented the IASFM Conference in Cairo, January 2009. The paper received from the author via email correspondence.

Cassarino, Jean-Pierre (2006): "The EU return policy: Premises and implications." MIREM Project, European University Institute. Available online at: [Http://www.no-fortress-europe.eu/uploadFortress/mechanisms%5B1%5D.EU_Return_Policies.pdf[, last accessed 9 Oct 2009.

Charter of Fundamental Rights of the European Union (2000/C 364/01). Available online at: [Http://www.europarl.europa.eu/charter/pdf/text_en.pdf], last accessed 9 Jan 2010.

Commission of the European Communities (2002): *Green paper on a community return policy on illegal residents*, COM(2002), 10 April 2002. Available online at: [Http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002_0175en01.pdf], last accessed 9 Oct 2009.

Committee on Civil Liberties, Justice and Home Affairs (2007): *Report on the proposal for a directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third country nationals,* A6-0339/2007. Available online at: [Http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2007-0339+0+DOC+PDF+V0//EN], last accessed 9 Oct 2009.

Convention Relating to the Status of Refugees. Texts of the 1951 Convention and 1967 Protocol Relating to the Status of Refugees with an introductory note by the UN High Commissioner for Refugees. UNHCR: Geneva 2006. Available online at: [Http://www.unhcr.org/protect/PROTECTION/3b66c2aa10.pdf], last accessed 14 Oct 2009.

Council of the European Union (11740/06): Preparation of the UN High Level Dialogue on International Migration and Development – EU position. Brussels 17 July 2006.

Council of the European Union (2005): *The Hague programme: Strengthening Freedom, Security and Justice in the European Union*, Official Journal of the European Union, C 53, 3 March 2005. Available online at: [Http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2005:053:0001:0014:EN:PDF], last accessed 9 Oct 2009.

Crenshaw K. (2003): "Mapping the margins: Intersectionality, identity politics, and violence against women of color", in *Identities. Race, Class, Gender, and Nationality* edited by. L. M. Alcoff & E. Mendieta. Blackwell: Oxford, pp. 175–200.

Danish Immigration Service (2009a): *Statistical overview: Migration and asylum 2008.* Available online at: [Http://www.nyidanmark.dk/NR/rdonlyres/B219C8ED-CF9C-4C11-8ECF-81E6C2898B90/0/StatisticalOverview2008.pdf], last accessed 11 Dec 2009.

Danish Immigration Service online (2008): "Departure centres." Available online at: [Http://www.nyidanmark.dk/en-us/coming_to_dk/asylum/accomodation_centres/departure_centres.htm], last accessed 15 Dec 2009.

Danish Immigration Service online (2009a): "Application for asylum." Available at: [Http://www.nyidanmark.dk/en-us/coming_to_dk/asylum/application_for_asylum/application_for_asylum.htm], last accessed 12 Dec 2009.

Danish Immigration Service online (2009b): "The positive list." Available at: [Http://www.nyidanmark.dk/en-us/coming_to_dk/work/positivelist/positive-list.htm], last accessed 12 Dec 2009.
Danish Immigration Service online (2009c): "The pay limit scheme." Available at: [Http://www.nyidanmark.dk/en-us/coming_to_dk/work/pay-limit-scheme.htm], last accessed 12 Dec 2009.
Danish Immigration Service online (2009d): "Conditions for asylum seekers." Available at: [Http://www.nyidanmark.dk/en-us/coming_to_dk/asylum/conditions_for_asylum_applicants/conditions_for_asylum_applicants.htm?wbc_purpose=Basic&WBCMODE=PresentationUnpublishedSearchLaws.htm], last accessed 14 Dec 2009.
Danish Refugee Council (2006): *The Danish Refugee Council's policy concerning the return of rejected asylum seekers and refugees whose residence permit has been withdrawn,* dated 31 Aug 2006. Received from the Danish Refugee Council via email correspondence.
Danish Refugee Council (2008): *Recommendations for the return and reintegration of rejected asylum seekers: Lessons learned from Kosovo.* Available online via Refworld: [Http://www.unhcr.org/refworld/docid/484022172.html], last accessed 18 Dec 2009.
Dutch Council of Refugees; Finnish Refugee Advice Centre; PRO ASYL & Refugee and Migrant Justice (2009): Complaint to the European Communities concerning failure to comply with community law. Failing member state: Greece. Amsterdam 10 November, 2009. Available online at: [Http://www.ecre.org/files/NGOComplaintvGreece_10November2009.pdf], last accessed 10 Jan 2010.
ECRE & Amnesty International (2008a): Letter to MEPs – Forthcoming plenary vote on the proposal for a directive on return of illegally staying third country nationals (Returns Directive). Brussels, 13 May 2008. Available online at: [Http://www.ecre.org/files/Joint%20AI-ECRE%20letter%20Return%20Directive%20May%202008.pdf], last accessed 15 Oct 2009.
ECRE & Amnesty International (2008b): "'Returns Directive': European Parliament and Member States risk compromising respect for migrants' rights". Press release, Brussels 20 May 2008. Available online at: [Http://www.ecre.org/files/ECRE%20AI%20Joint%20PR%20Returns%20Directive.pdf], last accessed 15 Oct 2009.
ECRE & ELENA (2006): *Summary Report on the application of the Dublin II regulation in Europe.* Joint report published by European Council on Refugees and Exiles and European Legal Network on Asylum, AD2/3/2006/EXT/MH, March 2006. Available online at: [Http://www.belgium.iom.int/document/ECRE%20Summary%20Report%20on%20Dublin%2007.03.06%20-%20final.pdf], last accessed 10 Jan 2010.
ECRE (1999): *ECRE guidelines on fair and efficient procedures for determining refugee status.* Available online at: [Http://www.ecre.org/files/guides.pdf], last accessed 23 Nov 2009.
ECRE (2003): *Position on return by the European Council on Refugees and Exiles*. ECRE publication PO1/10/2003/Ext/MP. Available online at: [Http://www.ecre.org/files/returns.pdf], last accessed 15 Oct 2009.
ECRE 1 June 2005: *EU Cooperation with Libya. Open Letter to the EU Presidency,* by Peer Baneke, the General Secretary of ECRE. Available online at: [http://www.ecre.org/files/Libya%20open%20letter%20to%20eu%20presidency.pdf], last accessed 10 Jan 2010.

ECRE (2005): *The way forward: Return of asylum seekers whose application has been rejected.* ECRE publication PP3/06/2005/EXT/PC. Available online at: [Http://www.ecre.org/files/return.pdf], last accessed 15 Oct 2009.

ECRE (2009): *ECRE Information Note on the Directive 2008/115/EC of the European Parliament and of the European Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals*. ECRE publication CO7/1/2009/Ext/MDM. Available online at: [Http://www.ecre.org/files/ECRE_Information_Note_Returns_Directive_January_2009.pdf], last accessed 15 Oct 2009.

ELENA (European Legal Network on Asylum) (2005): *The application of the safe country of origin concept in Europe: An overview.* Updated as of February 2005, published by ECRE. Available online at: [Http://www.ecre.org/files/elenasco.pdf], last accessed 23 Nov 2009.

EMN (2007): *Return migration.* A synthesis report published by the European Migration Network.

Farrag, Hebah H. (2009): "Engendering forced migration: Victimization, masculinity and the forgotten voice." Discussion paper published in the Forced Migration Online digital library, available at: [Http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:4908], last accessed 7 Jan 2010.

GFMD Informal Expert Group 2007: *Recommendations on Data Collection and Research in Migration and Development*. (Conclusions of an Expert Meeting arranged by the Department for Development Policy of MFA Finland, the International Centre for Migration Policy Development and the Institute of Migration in Finland, Helsinki 1 Oct 2008.)

GFMD Informal Expert Group: Conclusions by the Vienna Informal Expert Group Meeting on Policy and Institutional Coherence on Migration and Development, Vienna 15–16 June 2009.

Global Detention Project: *Italy detention profile*. Available online at: [Http://www.globaldetentionproject.org/countries/europe/italy/introduction.html], last accessed 5 Jan 2010.

Guardian.co.uk, 28 Jan 2009: "Asylum seekers 'dumbed and forgotten' in detention centres, says report." *The Guardian* news online, available at: [Http://www.guardian.co.uk/uk/2009/jan/28/asylum-seekers-detention], last accessed 11 Dec 2009.

Hajdukowski-Ahmed, Maroussia; Khanlou, Nazilla & Helene Moussa (2008): "Reviewing policies: Taking responsibility for the rights of refugee women", in *Not born a refugee woman: Contesting identities, rethinking practices* edited by Maroussia Hajdukowski-Ahmed, Nazilla Khanlou & Helene Moussa. Berghahn Books: New York/Oxford, pp. 215–218.

Hammond, Laura (1999): "Examining the discourse of repatriation: Towards a more proactive theory of return migration", in *The end of refugee cycle? Refugee repatriation and reconstruction* edited by Richard Black & Khalid Khoser. Berghahn Books: New York/Oxford, pp. 227–244.

HaVL 14/2008 – U 41/2005 vp: Hallintovaliokunnan lausunto 14/2005 vp: Valtioneuvoston kirjelmä ehdotuksesta Euroopan parlamentin direktiiviksi (palautusdirektiivi), 29 May 2008.

HaVL 32/2005 – u 41/2005 vp: Hallintovaliokunnan lausunto 32/2005 vp: Valtioneuvoston kirjelmä ehdotuksesta Euroopan parlamentin direktiiviksi (palautusdirektiivi), 9 Dec 2005.

Helsingin Sanomat, 20.11.2009: "Suomi haluaa pysäyttää tšetšeenit Istanbuliin."

Helsingin Sanomat, 3.12.2009: "Turvapaikanhakijoiden tuesta nipistetään valmiin ruuan takia", p. A5.

Helsingin Sanomat, 4.12.2009: "Amnesty kritisoi Suomen rajavartioiden toimintaa Turkissa."

Hunzinger, Laurence (2007): *"Return, Reception and Reintegration of Afghan Nationals to Afghanistan": External evaluation.* International Organization for Migration.
ICG (2009): *Afghanistan – what now for refugees?* Asia report No. 175, August 2009. Available online via ReliefWeb at: [Http://www.reliefweb.int/rw/rwb.nsf/db900SID/JOPA-7VFCPW?OpenDocument], last accessed 9 Jan 2010.
ICRT (2009): "Denmark accused of violating UN convention against Torture." Press release by International Rehabilitation Council for Torture Victims 7 Sept 2009. Available online at: [Http://www.irct.org/Default.aspx?ID=3843&PID=13717&M=NewsV2&Action=1&NewsId=2007], last accessed 15 Dec 2009.
Indra, Doreen (1999): "Introduction", in *Engendering Forced Migration: Theory and Practice* edited by Doreen Indra. Berhahn Books: New York/Oxford, pp. xii–xviii.
IOM Helsinki online (2005a): "Integrated Assisted Voluntary Return from Denmark Programme." Factsheet, available online at: [Http://iom.fi/files/Information%20sheets/IOM%20Helsinki/RANA%20Programme.pdf], last accessed 19 Dec 2009.
IOM Helsinki online (2005a): "Integrated Return, Reception and Reintegration of Afghan Nationals to Afghanistan Programme." Factsheet, available online at: [Http://iom.fi/files/Information%20sheets/IOM%20Helsinki/Integrated%20AVR%20from%20DK-IQ.pdf], last accessed 19 Dec 2009.
IOM Helsinki online (2008): "Return to Iraq – success stories." Available online at: [Http://iom.fi/files/irrim/Success_story_Hiwa_English_FINAL.pdf], last accessed 17 Dec 2009.
IOM Oslo online (A): "The voluntary assistance return programme: What and for whom?" Available online at: [Http://www.hyperionwebs.com/iom/varp/what_and_whom.htm], last accessed 22 Nov 2009.
IOM Oslo online (B): "The voluntary assistance return programme: Questions and answers." Available online at [Http://www.hyperionwebs.com/iom/varp/questions_answers.htm], last accessed 22 Nov 2009.
Jonsson, Anna & Dominika Borg (2006): *Return: The Swedish approach.* Department of Eurasian Studies Uppsala University, Working Papers No. 108. Available online at: [Http://www.east.uu.se/docs_publikationer/AR108AJ_DB.pdf], last accessed 15 Dec 2009.
Koser, Khalid & Nicholas Van Hear (2003): *Asylum migration and implications for countries of origin.* United Nations University, World Institute for Development Economics Research (WIDER), Discussion Paper No. 2003/20.
Maahanmuuttovirasto (2009a): "Turvapaikanhakijat ja päätökset 2000–2008." Available online at: [Http://www.migri.fi/netcomm/content.asp?article=2003], last accessed 30 Nov 2009.
Maahanmuuttovirasto (2009b): *Turvapaikka-asiat: Tammi–kesäkuu 2009. Tilastoanalyysi.* Available online at: [Http://www.migri.fi/download.asp?id=tupan+tilastoanalyysi+1%2D6%2F2009;1579;{2F2927A6-0F49-4AFD-8D88-2545CF5356EC}], last accessed 30 Nov 2009.
Maahanmuuttovirasto (2009c): "Turvapaikanhakijat 1.1.–31.12.2008: henkilömäärä." Available online at: [Http://www.migri.fi/download.asp?id=tp%2Dhakijat+2008;1334;{52458940-7CE1-4E44-A790-A2A863830BFE}], last accessed 18 Nov 2009.
Maahanmuuttovirasto (2009d): "Turvapaikanhakijat: henkilömäärä 2009/1–11." Available online at: [Http://www.migri.fi/download.asp?id=Turvapaikanhakijat+2009;1480;{A22DBE83-CA96-4187-993E-BBADCD7BC6C9}], last accessed 8 Jan 2010.

Maahanmuuttovirasto (2009e): “Turvapaikkapäätökset 1.1.–30.11.2009: henkilömäärä.” Available online at: [Http://www.migri.fi/download.asp?id=Turvapaikkap%C3%A4%C3%A4t%C3%B6kset+2009;1481;{AD0B2F2C-ED60-4356-9A4B-96130E5E2E10}], last accessed 10 Jan 2010.
Maahanmuuttovirasto (2009f): *Turvapaikkayksikön tilastoanalyysi vuosi 2008*. Available online at: [Http://www.migri.fi/download.asp?id=tupa+tilastoanalyysi+2008;1370;{026CD4EB-1BD4-42F3-9652-551162081D0F}], last accessed 11 Dec 2009.
Maahanmuuttovirasto (2009g): “Kiintiövalinta.” Statistics on Finnish quota refugees available online at: [Http://www.migri.fi/netcomm/content.asp?article=3269], last accessed 11 Dec 2009.
Maahanmuuttovirasto, 12.6.2009: “Maahanmuuttovirasto sai ensimmäisen yhdyshenkilönsä Etiopiaan.” Press release on the Migri homesite, available online at: [Http://www.migri.fi/netcomm/content.asp?path=8,2709,2740,2485&article=3663&index=_&page=1], last accessed 6 Jan 2010.
Maahanmuuttovirasto, 22.6.2009: “Maahanmuuttovirasto tehostaa tiedonkeruuta Afganistanista.” Press release on the Migri homesite, available online at: [Http://www.migri.fi/netcomm/content.asp?article=3674&search=true], last accessed 7 Dec 2009.
Maahanmuuttovirasto: *Flowchart: Applying for asylum.* Available online at [Http://www.migri.fi/download.asp?id=Flowchart%5FAPPLYING+FOR+AN+ASYLUM;1465;{E3ADC536-FD21-44D3-9626-DB6F913F8C48}], last accessed 1 Dec 2009.
Martiskainen, Taina (2009): “Lasten vastaanotto uusien haasteiden keskellä – minkä tien Suomi valitsee?” in *Yksintulleet – näkökulmia ilman huoltajaa saapuneiden lasten asemasta Suomessa.* Euroopan muuttoliikeverkosto/European Migration Network, pp. 46–53.
Migrationsverket (2008): *Support for reestablishment.* Information sheet on the reestablishment grant in Sweden, English translation. Avaible online at: [Http://www.migrationsverket.se/download/18.770892be1248035046b80003256/ateretablering_en.pdf], last accessed 15 Dec 2009.
Migrationsverket (2009): “Projektbeskrivningar: Europeiska återvändandefonden.” Available online at: [Http://www.migrationsverket.se/download/18.56e4f4801246221d2568000775/projektbeskrivningar_atervandfond2009.pdf], last accessed 9 Jan 2010.
Migrationsverket, 1.12.2009: “More returnees receive reestablishment support.” Press release available online at: [Http://www.migrationsverket.se/info/1707.html], last accessed 9 Jan 2010.
Migrationsverket, 30.12.2009: “The alien’s act will be amended to fit two EU directives.” Press release by the Swedish Migration Board, available online at: [Http://www.migrationsverket.se/info/1800.html], last accessed 8 Jan 2010.
Migrationsverket, 9.12.2009: “More and more Somalis are seeking asylum in Sweden.” Press release by the Swedish Migration Board, available online at: [Http://www.migrationsverket.se/info/1711.html], last accessed 8 Jan 2010.
Ministry for Foreign Affairs of Finland (2007): *Development policy programme: Towards a sustainable and just world community.* Government-decision-in-principle. Helsinki: Development Policy Information Unit, MFA Finland.
Ministry of Labour and Social Inclusion of Norway (2008a): “Tightening of the immigration policy.” Press release 3 Sept 2008, available online at:

[Http://www.regjeringen.no/en/dep/aid/Press-Centre/Press-Releases/2008/tightening-of-the-immigration-policy.html?id=525564], last accessed 19 Nov 2009.
Ministry of Labour and Social Inclusion of Norway (2008b): "Fast track procedure for asylum applications for Iraqis." Press release 21 November 2008, available online at: [Http://www.regjeringen.no/en/dep/aid/Press-Centre/Press-Releases/2008/fast-track-procedure-for-asylum-applicat.html?id=536769], last accessed 19 Nov 2009.
Ministry of Labour and Social Inclusion of Norway (2009): "New measures in the immigration procedure." Press release, 6 July 2009, available online at: [Http://www.regjeringen.no/en/dep/aid/Press-Centre/Press-Releases/2009/new-measures-in-the-immigration-policy.html?id=570541], last accessed 19 Nov 2009.
Ministry of Labour and Social Inclusion of Norway (A): "The procedure in an asylum case." Fact sheet, available online at: [Http://www.regjeringen.no/en/dep/aid/Topics/Immigration/asylum-and-refugee-policy/the-procedure-in-an-asylum-case.html?id=85863], last accessed 19 Nov 2009.
Ministry of Labour and Social Inclusion of Norway (B): "Differential treatment of asylum seekers." Fact sheet, available online: [Http://www.regjeringen.no/en/dep/aid/Topics/Immigration/asylum-and-refugee-policy/differential-treatment-of-asylum-seekers.html?id=85864], last accessed 19 Nov 2009.
Norwegian Directorate of Immigration (AI-63/08): Instructions – guidelines on gender-related persecution. Available online via at: [Http://www.regjeringen.no/en/dep/aid/doc/rundskriv/2008/ai--6308---instructions-guidelines-on-ge.html?id=528542], last accessed 9 Jan 2010.
Regeringens proposition 1997/98:173: *Verkställighet och återvändande – en del i asylprocessen.* Available online at: [Http://www.regeringen.se/content/1/c4/10/62/9ae68d8c.pdf], last accessed 4 Nov 2009.
Shivakumaran, Sandesh (2005): "Male/male rape and the 'taint' of homosexuality." *Human Rights Quarterly*, Vol. 27, No. 4, pp. 1274–1306.
Sisäasiainministeriö (2003): *Turvapaikanhakijan omaehtoinen paluu: Työryhmän ehdotukset turvapaikanhakijan omaehtoisen paluun järjestämiseksi Suomessa.* Sisäasiainministeriön julkaisu 27/2003. Available online at: [Http://www.intermin.fi/intermin/biblio.nsf/4C1161DF11319055C2256D90003EFFE8/$file/omaehtoinenpaluu.pdf], last accessed 10 Jan 2010.
Sisäasiainministeriö (2008): *Siviilikriisinhallinnan kansallinen strategia.* Sisäasiainministeriön julkaisu 19/2008. Available online at: [Http://www.poliisi.fi/intermin/biblio.nsf/98AB536B4380F602C22574B3002E0970/$file/192008.pdf], last accessed 7 Dec 2010.
Sisäasiainministeriö (2009a): *Näkökulmia turvapaikkapolitiikkaan: Kehitysehdotuksia ja pohjoismaista vertailua.* Sisäasiainministeriön julkaisu 21/2009 (Maahanmuutto-osasto). Available online at: [Http://www.intermin.fi/intermin/biblio.nsf/D71589287E4A2A63C22575D90031CC32/$file/nakokulmia_turvapaikkapolitiikkaan_020609.pdf.pdf], last accessed 15 Dec 2009.
Sisäasiainministeriö (2009b): "Paluurahaston vuoden 2008 ohjelmasta rahoitetut hankkeet." Available online at: [Http://www.intermin.fi/intermin/images.nsf/files/a07b5812ce541a68c225763400302da1/$file/rf_rahoitetut_hankkeet_2008_150909.pdf], last accessed 6 Jan 2009.

Statistiska centralbyrån (2009): “Asylum seekers in 2008 and 2007, by citizenship and sex.” Available online at: [Http://www.scb.se/Pages/TableAndChart____118098.aspx], last accessed 8 Jan 2010.

Strand, Arne; Akbari, Arghawan; Wimpelmann Chaudhury, Torunn; Berg Harpviken, Kristian; Sarwari, Akbar & Astri Suhrke (2008): *Return in dignity, return to what? Review of the voluntary return programme to Afghanistan.* Chr. Michelsen Institute, Report No. 2008:6. Available online at: [Http://www.prio.no/sptrans/-995600943/Harpviken%20et%20al%2008%20Return%20in%20Dignity.pdf], last accessed 15 Dec 2009.

Tema Asyl & Integration (2008): “Lärorika erfarenheter av program för frivilligt återvändande in Norge.” Report published at a Swedish www-portal *Tema asyl & integration*, available online at: [Http://www.temaasyl.se/Templates/Page.aspx?id=2632], last accessed 17 Dec 2009.

The Universal Declaration of Human Rights. Available online at: [Http://www.un.org/en/documents/udhr/#atop], last accessed 9 Jan 2010.

UDI (2009a): “Establishing care centres in the home countries of unaccompanied minor asylum seekers.” Available online at: [Http://www.udi.no/templates/Page.aspx?id=10078], last accessed 18 Nov 2009.

UDI (2009b): “Afghanistan. IRRANA.” Fact sheet, available online at: [Http://www.udi.no/templates/Tema.aspx?id=10965], last accessed 13 Nov 2009.

UDI fact sheet: “Voluntary and forced return.” Available online at: [Http://udi.no/templates/Tema.aspx?id=10960], last accessed 13 Nov 2009.

UDI statistics online (2009a): “Asylum applications by nationality 2008.” Available online at: [Http://www.udi.no/templates/Statistikk.aspx?id=10857], last accessed 18 Nov 2009.

UDI statistics online (2009b): “Asylum applications by nationality 2009: 1. january – 31. oktober.” Available online at: [Http://www.udi.no/templates/Statistikk.aspx?id=10865], last accessed 18 Nov 2009.

UDI statistics online (2009c): “Asylum decisions, in first instance, by outcome and nationality.” Available online at: [Http://www.udi.no/templates/Statistikk.aspx?id=10924], last accessed 18 Nov 2009.

Ulkoasiainministeriö (2009): *Suomen kokonaisvaltainen kriisinhallintastrategia.* Available online at: [Http://formin.finland.fi/public/download.aspx?ID=49684&GUID={77E14EB2-C317-4A87-8477-48A14FF8EDEA}], last accessed 7 Jan 2010.

Ulkoasiainministeriö 2006: “YK:n vuoropuhelu muuttoliikkeestä ja kehityksestä.” Fact sheet on the homepage of the Finnish Ministry for Foreign Affairs. Available online at: [Http://www.formin.fi/public/default.aspx?contentid=78587&nodeid=15348&contentlan=1&culture=fi-FI], last accessed 15 Dec 2009.

Ulkomaalaislaki 30.4.2004/301. Available online at FINLEX-portal: [Http://www.finlex.fi/fi/laki/ajantasa/2004/20040301], last accessed 14 July 2009.

UNHCR (2003): “UNHCR urges caution as EU negotiates ‘safe country’ concepts.” Press release 1 October 2003, available online at: [Http://www.unhcr.org/3f7aa8704.html], last accessed 23 Nov 2009.

UNHCR (2005): UNHCR Observations on the European Commission Proposal for a Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals (COM(2005)391 final), December 2005. Available online at: [Http://www.unhcr.org/protect/PROTECTION/43a6c2352.pdf], last accessed 15 Oct 2009.

UNHCR (2008): UNHCR Position on the Proposal for a Directive on Common Standards and Procedures in Member States for Returning Illegally Staying Third-Country Nationals, 16 June 2008. Available online at: [Http://www.unhcr.org/refworld/pdfid/4856322c2.pdf], last accessed 15 Oct 2009.

Walter, Johan (2009): "Självmant återvändande & reintegration/Somalia." PowerPoint presentation by a project coordinator of *Göteborgsinitiativet*, available online at: [Http://www.lansstyrelsen.se/NR/rdonlyres/76B9418A-CB26-4ABD-99E9-44EE39767A3B/0/Sjalvmantatervandandereintegration.ppt#256,1,Självmant återvändande & reintegration/Somalia Johan Walter Handläggare & programkoordinator Mottagningsenheten i Göteborg], last accessed 9 Jan 2010.

van Selm, Joanne (2001): "Access to procedures: 'Safe third countries', 'safe countries of origin' and 'time limits'." *Global consultations*, 1 June 2001. Available online via UNHCR: [Http://www.unhcr.org/3b39a2403.html], last accessed 10 Nov 2009.

World Refugee Survey: *Libya.* Available online at: [Http://www.worldrefugeesurvey.org/index.php?title=Libya#Refoulement.2FPhysical_Protection], last accessed 10 Jan 2010.

APPENDIX: Tampere Peace Research Institute Occasional Papers published since 1990

39. 1990 *Rauhan- ja konfliktintutkimuslaitoksen toimintakertomus vuodelta 1989*, 44 s.
40. 1990 *Arkoun, Mohammed*: Actualite d'une Culture Mediterraneenne, 26 pp.
41. 1990 *Heininen, Lassi* (ed.): Arctic Environmental Problems, 109 pp.
42. 1990 *Melasuo, Tuomo - Worku, Amare*: Peasant Association Study in Wollo, Ethiopia, X + 61 pp.
43. 1991 *Joenniemi, Pertti*: The Port Call Issue: Finnish Policies in a Nordic Perspective, 91 pp.
44. 1991 *Heininen, Lassi - Käkönen, Jyrki* (eds.): Arctic Complexity: Essays on Arctic Interdependencies, 153 pp.
45. 1991 *Rauhan- ja konfliktintutkimuslaitoksen toimintakertomus vuodelta 1990*, 42 s.
46. 1991 *Käkönen, Jyrki*: Realismista utopiaan. Kohti kansalaisyhteiskuntien yhteisöä?, 176 s.
47. 1991 *Thee, Marek*: Disintegration of the Soviet Empire. Dangers and Opportunities, 18 pp.
48. 1992 *Rauhan- ja konfliktintutkimuslaitoksen toimintakertomus vuodelta 1991*, 56 s.
49. 1992 *Käkönen, Jyrki* (toim.): Kestävä kehitys arktisilla alueilla, 107 s.
50. 1992 *Joenniemi, Pertti*: Neutrality Beyond the Cold War, 21 s.
51. 1993 *Rauhan- ja konfliktintutkimuslaitoksen toimintakertomus vuodelta 1992*, 52 s.
52. 1993 *Harle, Vilho* (toim.): Erilaisuus, identiteetti & politiikka, 109 s.
53. 1993 *Joenniemi, Pertti - Alapuro, Risto - Pekonen, Kyösti*: Suomesta Euro-Suomeen. Keitä me olemme ja mihin matkalla, 92 s.
54. 1994 *Jalonen, Olli-Pekka* (ed.): Finnish Essays on Arctic Issues, 153 pp.
55. 1994 *Nilson, Håken R.*: Europeanization of the Barents Region: Organizational Possibilities for a Regional Environmental Cooperation, 140 pp.
56. 1994 *Rauhan- ja konfliktintutkimuslaitoksen toimintakertomus vuodelta 1993*, 80 s.
57. 1994 *Joenniemi, Pertti*: Regionality and the Modernist Script; Tuning into the Unexpected in International Politics, 26 pp.
58. 1994 *Lähteenmäki, Kaisa*: Eurooppalaisen järjestelmän muutoksesta alueellistumisen näkökulmasta, 87 s.
59. 1994 *Jalonen, Olli-Pekka*: Ukrainan, Valkovenäjän ja Kazakstanin suhde ydinteknologian leviämisen rajoittamispyrkimyksiin, 23 s.
60. 1994 *Joenniemi, Pertti*: Det nya Norden: Svanen bland de europeiska regionerna, 41 s.
61. 1994 *Lagerspetz, Kirsti - Niemelä, Pirkko - Kaukiainen, Ari - d'Heurle, Adma - Bashkirova, Elena - Mansourov, Valeri - Tomek, Ivan*: Peace-Mindedness of the Super-Powers as Perceived in Four Countries: Changes in Student's Images of the USA and the USSR from 1988 until 1991, 25 pp.
62. 1995 *Rauhan- ja konfliktintutkimuskeskuksen toimintakertomus vuodelta 1994*, 37 s.
63. 1995 *Jalonen, Olli-Pekka - Vesa, Unto*: Ydinsulkusopimuksen tulevaisuus, 96 s.
64. 1996 *Rauhan- ja konfliktintutkimuskeskuksen toimintakertomus vuodelta 1995*, 56 s.
65. 1996 *Borawski, John*: A Better Peace: The Organization for Security and Cooperation in Europe, 173 pp.
66. 1996 *Käkönen, Jyrki - Perko, Susanna*: Alueellistuminen Euroopassa ja suomalaisten alueiden verkottuminen, 29 s.
67. 1997 *Vesa, Unto*: 25 vuotta Taprin taivalta. Taustoja, tietoja, tilastoja, 57 s.
68. 1996 *Heininen, Lassi - Käkönen, Jyrki*: Rajalta maailmaan. Tutkijoiden matka periferiaan, 341 s.
69. 1996 *Jukarainen, Pirjo* (toim.): Eurooppa laidasta laitaan. Taprin opas Euroopan ymmärtämiseen, 165 s.
70. 1997 *Rauhan- ja konfliktintutkimuskeskuksen toimintakertomus vuodelta 1996*, 41 s.
71. 1997 *Vesa, Unto*: Rauhantutkimuksesta ja rauhanajattelusta, 31 s.
72. 1997 *Linjakumpu, Aini* (toim.): Eurooppa tänään - 900 vuotta ristiretkien perintöä, 104 s.
73. 1997 *Linjakumpu, Aini - Virtanen, Kirsi* (eds.): Under the Olive Tree. Reconsidering Mediterranean Politics and Culture, 298 pp.
74. 1997 *Vesa, Unto*: Euroopan turvallisuus valinkauhassa. Silmäyksiä Suomen ja Euroopan uusiin haasteisiin,
67 s.
75. 1998 *Rauhan- ja konfliktintutkimuskeskuksen toimintakertomus vuodelta 1997*, 87 s.

76. 1999 *Pentikäinen, Tapani* (éd./ed.): L'environnement et la société en Méditerranée. Voix pour l'avenir commun. - Environment and Society in the Mediterranean. Voices for the Common Future, 218 pp.
77. 2000 *Kuitunen, Jorma*: Tieteen yhteistyöpolitiikkaa Välimerellä. Tutkimus, teknologia ja koulutus Euro-Välimeri-yhteistyön elementteinä. (Tulossa)
78. 2000 *Rauhan- ja konfliktintutkimuskeskuksen toimintakertomus vuodelta 1998,* 74 s.
79. 2000 *Uurtimo, Yrjö - Väyrynen, Tarja* (eds.): Peace-Building in the Great Lakes Region of Africa. Report on the Seminar in Zanzibar, Tanzania, October 31 - November 19, 1999, 128 pp.
80. 2000 *Rauhan- ja konfliktintutkimuskeskuksen toimintakertomus vuodelta 1999,* 108 s.
81. 2000 *Henriksson, Kirsi*: Suomi ja rajaton rajojen Eurooppa. Muuttoliikkeet Eurooppaan ja Euroopassa kylmän sodan jälkeen, 85 s.
82. 2000 *Melasuo, Tuomo - Pentikäinen, Tapani* (éds./eds.): La Méditerranée dans quelques perspectives environnementales. - Some environmental perspective on the Mediterranean, 100 pp.
83. 2000 *Vesa, Unto* (ed.): Democratic Security Building: Cases from the Baltic and Black Sea Regions, 170 pp.
84. 2001 *Kivimäki, Timo*: Saarivaltio viidakkoveitsen terällä. Analyysi Indonesian konflikteista, 132 s.
85. 2001 *Rauhan- ja konfliktintutkimuskeskuksen toiminta-kertomus vuodelta 2000,* 61 s.
86. 2002 *Chan, Stephen*: Composing Africa: Civil Society and its Discontents, 82 pp.
87. 2003 *Camiz, Sergio & Melasuo, Tuomo* (eds.): Europe and the New Role of the Regions, 149 pp.
88. 2003 *Vesa, Unto - Möller, Frank*: Security community in the Baltic Sea region? Recent debate and recent trends, 199 pp.
89. 2003 *Linjakumpu, Aini, Villa, Susan* ja *Jukarainen, Pirjo* (toim.): Sodan ja rauhan identiteetit, 155 s.
90. 2003 *Palmujoki, Eero* (ed.): Southeast Asian Regionalism from Above and from Below, 150 pp.
91. 2004 Rehtorin asettaman työryhmän raportti Tampereen yliopiston rauhan- ja konfliktintutkimuskeskuksen (TAPRI) kehittämiseksi, 59 s.
92. 2004 *Penttinen, Elina*: Corporeal Globalization. Narratives of Subjectivity and otherness in the sexscapes of globalization, 315 pp.
93. 2006 *Puumala, Eeva & Vesa, Unto*: The Twenty Years' Journal: Instant / Current Research on Peace and Violence 1971-1990, 30 pp.
94. 2006 *Melasuo, Tuomo & Kynsilehto, Anitta* (eds.): Transitions to Democracy and the Palestinians, 198 pp.
95. 2007 *Vesa, Unto – Huru, Jouko* (eds.): The Role of Civil Society in Conflict Resolution. Asian and European Perspectives and Cases, 159 pp.
96. 2008 *Kynsilehto, Anitta* (ed.): Islamic Feminism: Current Perspectives, 119 pp.
97. 2008 *Henriksson, Kirsi & Anitta Kynsilehto* (eds.): Building Peace by Intercultural Dialogue – Construction de la Paix par le Dialogue Interculturel, 359 pp.
98. 2010 *Kanninen, Tiina*: Gender, vulnerability and the obligation to return: An overview of return assistance to "rejected asylum seekers in the Nordic countries, XX pp.