Essays on the decision-making processes of irregularised migrants over the course of their migration trajectories

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Essays on the decision-making processes of irregularised migrants over the course of their migration trajectories

Talitha Dubow
Essays on the decision-making processes of irregularised migrants over the course of their migration trajectories

DISSERTATION

to obtain the degree of Doctor at the Maastricht University,
on the authority of the Rector Magnificus, Prof. dr. Pamela Habibović
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to be defended in public on
Monday, 23rd of January 2023 at 16.00 hours

By

Talitha Dubow
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List of acronyms

AVR  Assisted Voluntary Return
COA  Central Organization for Asylum-seekers
CRG  Community Residential Groups
CSO  Civil Society Organisation
ECHR European Convention on Human Rights
ECSR European Committee of Social Rights
EMN  European Migration Network
EU   European Union
FRD  Family Reunification Directive
ICT  Information and Communications Technology
IND  Immigration and Naturalisation Service
IOM  International Organization for Migration
JAP  EU-Turkey Joint Action Plan
LVV  National Aliens Facilities
NELM New Economics of Labour Migration
UAM  Asylum-seeking Unaccompanied Minors
UNHCR United Nations High Commissioner for Refugees
VBL  Freedom Restricting Shelter
VNG  Association of Dutch Municipalities
VWN  Dutch Refugee Council
WODC Research and Documentation Centre

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Lastly, I have depended on Khaya Ludidi for bringing sweetness and laughter and spontaneity into my everyday – helped to no small extent by Cricket – and for spearheading domestic innovations such as ‘rainy day pizza’, which have kept me going through the otherwise often grey days of PhD-pandemic life.
Chapter 1 - Introduction

1.1 Background context

In the last two decades, as ‘mixed flows’ of refugees and other migrants have become the subject of intense political debate as well as the target of increasing policy restrictions, research has started to pay attention to the experiences of those undertaking long, difficult and dangerous irregularised journeys. A rapidly emerging literature about that which is commonly referred to as migrant journeys, trajectories or transit migration has started to unpick the complexity of migrant decision-making processes following departure from a country of origin. This body of research has demonstrated that migration is not a linear movement between departure from point A (a country of origin) and arrival at an expected destination point B. Rather, when people are confronted with border controls and other policy restrictions, and particularly in a forced displacement context when the decision to leave may be taken in haste and without careful planning or preparation, their migration trajectories evolve contingently. It is thus an iterative, fragmented, circuitous and sometimes circular process, encompassing periods of immobility as well as mobility (Brigden & Mainwaring, 2016; Collyer, 2007; Crawley & Hagen-Zanker, 2019; Kaytaz, 2016; Mainwaring, 2016; Missbach, 2019; Schapendonk, 2018; Wissink et al., 2020).

As migrants’ trajectories unfold in space and time, their decision-making processes develop and adapt in response to new information, experiences, opportunities and constraints. Decisions regarding whether or not to move, where to migrate to and how to get there, are not simply resolved in the country of origin as a ‘one-off’ event but are revisited and revised over the course of a migrant’s geographic trajectory and lifetime. Nonetheless, studies of decision-making post-departure from a place of origin – including deliberations regarding a potential return – remain a small part of the broader literature on migrant decision-making (Ahrens, 2017; Kosser & Kuschminder, 2016; Townsend & Oomen, 2015). In their recent review of the literature on migrant decision-making, Hagen-Zanker and Hennessey (2021) find that the large majority of identified studies (75%) are focussed on out-migration (the decision to migrate from a country of origin), compared to only 14% that focus on return migration, 8% that focus on ‘onward, transit or secondary migration’ and 5% on ‘re-migration’ (the latter refers to decisions to migrate again, having already returned to a place of departure). Around one quarter of the identified studies focus explicitly on irregular migration processes (Hagen-Zanker & Hennessey, 2021).

Meanwhile, as part of a broader trend towards increasing restrictions for asylum-seekers and others who migrate outside of (and are excluded from) regular migration channels – henceforth referred to as irregularised migrants (this choice of terminology is discussed below) – policymakers have sought to shape their decision-making and trajectories, largely through the use of containment and deterrence measures (Crisp, 1999; Hagen-Zanker & Mallett, 2022; Spinks, 2013). The UK government’s recent efforts to transfer irregularly-arriving asylum-seekers to Rwanda is the latest attempt to ‘deter illegal entry’ (at least according to the policy’s stated objectives [Home Office, 2022]) based on assumptions about migrant decision-making and migration processes that are often not borne out by the available evidence (Border Criminologies, 2022; Crawley et al., 2016; Crawley & Hagen-Zanker, 2019). As policymakers have become more interested in understanding and influencing the decision-making processes of irregularised migrants, studies have begun to disentangle the complex relationship between policies and migration decision-making (Brekle & Aarset, 2009; Crawley & Hagen-Zanker, 2019; Hagen-Zanker & Mallett, 2016; 2022; Kosser & Kuschminder, 2016; McAuliffe & Kosser, 2017; Spinks, 2013). Conclusions about the effectiveness of policies in shaping migration flows remain contested (de Haas et al., 2019; Hagen-Zanker and Mallett, 2022). It is nonetheless clear that policies on paper do not necessarily translate into their intended impacts, and that ‘a gap between current policy-making and the actual evidence on how migration works’ continues to characterise current policy development and to undermine good governance (Hagen-Zanker & Mallett, 2022, p.17; Townsend and Oomen, 2015). Further research in support of a stronger evidence base is needed.

1.2 Aims and scope

1.2.1 Research question

This dissertation contributes to the emerging literature on migrant decision-making over the course of a migration trajectory. It seeks in particular to elucidate the decision-making of irregularised migrants and their responses to policies designed to prevent or shape migration flows. The overarching research question which guides this investigation is therefore: How do irregularised migrants make decisions over the course of their migration trajectories? Three sub-questions direct analytical attention to three aspects of migrant decision-making which, following a review of the extant literature (Chapter 2), emerge as requiring further scholarly attention. These sub-questions are: 1) How do families make decisions over the course of their migration trajectories?; 2) What is the role of social, psychological and emotional factors in migration decision-making; and 3) What is the role of policies in migration decision-making?

1 In April 2022, the UK Home Office announced a ‘Migration and Economic Development Partnership’ with Rwanda, according to which asylum-seekers who arrive in the UK irregularly would be transferred to Rwanda for processing of their asylum claims under Rwanda’s own procedures (Home Office, 2022). At the time of writing, this plan has not been implemented, due to an ongoing legal challenge.
Chapter 1 - Introduction

The research questions are examined in the context of various asylum-seeking groups (introduced below), and against the background of dynamic policies and practices. The meaning and use of key terms are discussed further below. A review of the literature (Chapter 2) provides more detail on the kinds of decisions made over the course of a migration trajectory, and what is already known about influences on these decision-making processes.

The individual research questions, research context and key findings for each of the four empirical chapters included in this dissertation are presented in Table 1 below and followed by a brief summary of each chapter.

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Research question(s)</th>
<th>Group under study</th>
<th>Phase of the trajectory in which decision-making is studied</th>
<th>Key findings</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Family Strategies in Refugee Journeys to Europe</td>
<td>How have asylum-seeking families been affected by policy developments along the Eastern Mediterranean route? How has their migration decision-making been affected by these policies?</td>
<td>Afghan, Iraqi and Syrian asylum-seekers.</td>
<td>Migration strategies formed in the country of origin; Migration strategies formed in countries of intended transit.</td>
<td>Families are particularly – and unevenly – affected by border controls; Separation and reunification is a key mobility strategy to overcome constraints; In the absence of timely access to reunification, family members move onwards irregularly.</td>
<td>5</td>
</tr>
<tr>
<td>5</td>
<td>Moral Exclusion, Dehumanisation, and Continued Resistance to Return: Experiences of Rejected Afghan Asylum-seekers in the Netherlands</td>
<td>How does the state’s denial of basic welfare provisions affect the lived experiences and return decision-making of rejected Afghan asylum-seekers in the Netherlands?</td>
<td>Rejected Afghan asylum-seekers</td>
<td>Decision-making regarding return in the country of destination.</td>
<td>The denial of basic welfare does not incentivise return: even in destitute and dehumanised conditions, rejected Afghan asylum-seekers remain determined to stay in the Netherlands or EU.</td>
<td>6</td>
</tr>
<tr>
<td>6</td>
<td>Information and Uncertainty in the Decision-making of Albanian Asylum-seekers</td>
<td>Why have Albanian nationals sought asylum in Germany?; How has their migration decision-making responded to information and uncertainty over the course of their migration trajectories?</td>
<td>Albanian asylum-seekers</td>
<td>Out-migration decisions made in the country of origin; Strategies for continued stay/return formed in the country of destination.</td>
<td>The motivations and expectations of Albanian asylum-seekers have been varied, but many have been determined to ‘try their luck’ in spite of the likelihood of return; Awareness of and responses to policies may change over the course of a trajectory.</td>
<td>7</td>
</tr>
<tr>
<td>7</td>
<td>Legality and Legitimacy in the Return Decision-Making of Rejected Albanian Asylum-seekers</td>
<td>What factors shape the (non)compliance of rejected Albanian asylum-seekers with their legal obligation to return from Germany?</td>
<td>Rejected Albanian asylum-seekers</td>
<td>Decision-making regarding return in the country of destination.</td>
<td>EU entry bans encourage compliance with return obligations among rejected Albanian asylum-seekers who are strongly motivated to maintain their access to legal re-entry and labour migration in the EU; The perceived legitimacy of the German asylum system and return order also plays an important role in promoting compliance.</td>
<td></td>
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</tbody>
</table>
Chapter 4 analyses the ways in which Afghan, Iraqi and Syrian asylum-seeking families jointly navigate mobility regimes in order to achieve their migration aspirations in the context of dynamic policy changes introduced along the Eastern Mediterranean route between 2015 and 2019. Informed by the literature on ‘social navigation’ (Vigh, 2009), this chapter provides an exploratory study of the strategies adopted by families in their efforts to overcome restrictions on their movement and find refuge together: namely, separation in the hope of later reunification, and irregularised onwards migration when the prospect of formal family reunification seems distant or impossible.

Chapter 5 examines the lived experiences and decision-making of rejected Afghan asylum-seekers in the Netherlands, who, in accordance with national policy designed to incentivise their departure, are denied access to basic protections. In this chapter, the non-provision of basic assistance is conceived of as a bordering technology whereby exclusion from the moral economy is meant to produce ‘deportable non-citizens’ (De Genova 2002, 2013) who can thereby be excluded from the national territory. The analysis draws on a feminist approach to geopolitics to firstly explore the embodied effects of state practices of dehumanisation, highlighting the degrading impacts that the denial of ‘bed, bath and bread’ have on the daily material existence, emotional lives and intimate relationships of rejected Afghan asylum-seekers. Secondly, this chapter examines the respondents’ attitudes towards return and finds that, in spite of the extreme hardship and distress they experienced in the Netherlands, the respondents refused to consider return and were instead determined to stay in the Netherlands (or another EU country).

Chapter 6 explores the motivations and decision-making of Albanian asylum-seekers and focusses in particular on how their decision-making has responded to uncertainty and (new) information over the course of their trajectories. The analysis observes differing reasons for and expectations of asylum-seeking among Albanian nationals and identifies the critical role of hope in motivating asylum-seeking in spite of the likelihood of a negative decision and forced return. Drawing on Hayenjelm’s (2006) explanation of risk-taking, hope is understood as a response to vulnerability; and as driving decisions to ‘try one’s luck’. The analysis furthermore finds that, in response to new information and experiences in the destination country (Germany), respondents’ expectations and decision-making both did and did not adjust – with implications for their strategies regarding continued stay or return, and for their intentions regarding future migration.

Chapter 7 focusses more closely on the return decision-making of rejected Albanian asylum-seekers in Germany and explores both their instrumental and normative reasons for accepting assisted return (commonly referred to in policy terms as ‘Assisted Voluntary Return’ [AVR] programmes). The analysis finds that the threat of an EU entry ban that accompanies forced removal is a primary motivation for compliance with return procedures. The perceived legitimacy that some respondents attribute to the return order also plays a clear role in encouraging their departure. This chapter argues that the significance of an EU entry ban in this case rests on the opportunities that Albanian nationals have for legal re-entry to, and labour migration in, the EU. Secondly, this chapter reflects on the need for a better understanding of perceived legitimacy in a migration context and raises questions for its further conceptualisation and empirical investigation.

Following the rationale and objectives for this study, and the outline of the empirical analysis, the sections below provide an explanation of the key terms and concepts used, offer an introduction to the case contexts, and finally conclude with an overview of the study and its significance.

1.2.2 Key terms and concepts

The use of key terms and concepts relating to migration is often inconsistent, misleading, and highly politicised (FitzGerald & Arar, 2018; Holmes & Castañeda, 2016; Sajjad, 2018). Migration scholarship increasingly recognises the need for critical reflection on the use of terminology, emphasising, first, that conventional labels used to describe and categorise migratory phenomena often fail to capture the true complexity of social reality (Collyer & de Haas, 2012; Crawley & Skleparis, 2018). Moreover, the use of terms which conflate, obscure or over-simplify social phenomena – as is common in policy discussions and in the media – often serves a discourse strategy which, by shaping public opinion and the definition of policy ‘problems’, comes to have significant impacts on the lives and opportunities (or lack thereof) of certain groups of migrants (Collyer & de Haas, 2012; Crawley & Skleparis, 2018; Hoffmeyer-Zlotnik, 2020). In this context, researchers must strive for analytical clarity in their use of language and be careful to avoid using terminology in ways which reproduce harmful policy assumptions. For these reasons, the following section explains the choice and use of key terms in this dissertation.

Irregularised migrant

This dissertation is concerned with the experiences and decision-making of people whose cross-border movements or presence in a country is in some respect unauthorised. This includes people seeking asylum who may (eventually) be
recognised as refugees. Although each of the empirical chapters focuses on groups seeking asylum, the introductory and concluding chapters refer to ‘irregularised migrants’. This is because the overall study is first and foremost interested in migrant decision-making in the context of the various constraints that processes of irregularisation impose, and less in the original motivations for migration. The individual empirical chapters refer to asylum-seekers, or rejected asylum-seekers, because the respective analyses are concerned with decision-making in relation to a particular migration channel and legal status. Chapter 4, by contrast, refers to the Afghan, Iraqi and Syrian respondents as refugees because some had already obtained international protection status, and while others had not yet managed to claim asylum, we make a deliberate choice to presumptively refer to them as refugees too (a decision further explained in Chapter 4).

To refer to all of these groups in the introductory and concluding chapters, ‘irregularised migrants’ is chosen in preference to alternative terms such as ‘irregular migrants’ or ‘migrants in an irregular situation’ for multiple reasons. First, rather than imply that irregularity is an inherent feature of some types of migrants or migration, ‘irregularisation’ foregrounds and denaturalises the legal and political processes which construct certain groups of migrants as unwanted, undeserving and illegitimate, in an effort to exclude such migrants from regular migration channels (and associated rights) and render them deportable (De Genova, 2002; Sajjad, 2018; Schuster, 2011). ‘Deservingness’ is associated with forms of migration considered ‘involuntary’ – driven by events such as war and violence – in which the migrant is seen to be a passive victim (Holmes and Castañeda, 2016; Mainwaring, 2016). People who migrate for other reasons – such as for a better life –, and/or who are perceived to exercise choice and agency in pursuing their migratory objectives, are considered ‘bad’ or threatening and ‘undeserving’ of sympathy, protection and assistance (Holmes and Castañeda, 2016; Mainwaring, 2016).

Second, ‘irregularisation’ is a useful term from a trajectory perspective as it denotes an overall approach to migration management that nonetheless affects migrants differently in different places and at different moments of their trajectories. For example, whilst a Syrian national may be granted legal status under Temporary Protection in Turkey and may therefore be categorised as a regular migrant if interviewed in Turkey, their entry to Turkey may have been violently prohibited (i.e., by visa restrictions and militarised border controls) and their potential onwards movement to the EU is likely to be similarly proscribed. Third, ‘irregularisation’ allows for a more comprehensive and complex understanding of both the policies and practices that create irregularity, rather than prioritising de jure access to legal status.

As one example of the contradictions between policy and practice which produce irregularity, we might again consider the more familiar case of a Syrian national. Under international and EU law a Syrian national has the right to seek asylum in the EU, is very likely to be recognised as a refugee once their application is processed, and should not be punished for using irregular channels in order to enter the EU and seek asylum. Nonetheless, other policies and practices (such as the EU-Turkey Statement and informal pushbacks by the European Border and Coast Guard Agency (Frontex) and national authorities) seek to prevent Syrian asylum-seekers from arriving in the EU and impose punitive measures on those who do (which include detention in the Aegean ‘hotspots’ and forced return to Turkey).

Migration trajectories

In this dissertation, I use the concept of migration trajectories to refer to movement and experiences across geographic space and time. These may ‘consist of multiple journeys going in various directions’ as well as periods spent stuck, in limbo, settled in one country, or in between countries (Schapendonk et al., 2020, p. 212). Following Schapendonk (2019), migration trajectories can therefore be understood as ‘dynamic processes that involve processes of movement as well as periods and moments of immobility’ (p.17).

The term ‘trajectories’ is used in this dissertation as an analytical lens to elucidate what is meant by decision-making following departure from a place of origin. Due to constraints in the design of the research projects which form the basis for the empirical analyses presented in this dissertation (see Chapter 3 for an overview of these), a longitudinal ‘trajectory approach’ is not applied as a methodological approach (see Schapendonk et al., 2020 and Schapendonk & Steel, 2014, for a discussion of the meaning and value of a trajectory approach in methodological terms). Rather, as an analytic concept, the term ‘trajectories’ is used and preferred over related terms such as the migrant journey or transit migration. The concept of the journey has been problematised by empirical evidence which challenges the extent to which a journey can be distinguished as an ‘exceptional phase of mobility, in-between presumed place-based lives’ and between a clear place and point of departure and arrival (Schapendonk et al., 2021, p. 3241). As studies have shown, taking a point of departure as the start of a journey can be a highly subjective or even an arbitrary decision when someone has engaged in international or internal migration earlier in life – as is common, for example, among Afghan nationals who arrive in the EU following (and perhaps also preceding) periods of residence in Iran or Pakistan (Crawley & Jones, 2021; Crawley & Kaytaz, 2022; Kaytaz, 2016; Schapendonk et al., 2021). The place and moment of arrival, and therefore the journey’s ‘end’, can
It may take multiple attempts to reach, and multiple arrivals in a country, before someone is able to stay (and settle), and they may subsequently decide to go elsewhere (Schapendonk et al., 2020). Or they may remain physically present in the territory but unable to settle due to a lack of legal status and associated rights, perhaps while they are held in limbo in a reception or detention centre (Koikkalainen et al., 2020; Schapendonk et al., 2020).

The ‘travel’ central to the notion of a journey may also be complicated where someone intends to continue onwards, but is prevented from doing so by border controls, or by the need to stay put in order to earn money to finance the next leg of their journey. This type of situation is often referred to as ‘transit migration’, where the migrant may indeed consider themselves in transit towards an intended destination. However, as critical discussions have highlighted, it is unclear when transit migration might be better understood as de facto settlement; moreover, individual decision-making may change over time, such that someone who initially intended to stay in a country later decides to move onwards, and vice versa (Collyer & de Haas, 2012; Wissink et al., 2013). For this reason, I prefer to refer to decision-making ‘over the course of a trajectory’, or ‘following departure from a place of origin’ (acknowledging that, in some cases, a ‘place of origin’ may not be straightforward to identify), in order to account for the diversity of situations and intentions that may characterise different moments of someone’s migration trajectory once they have crossed an international border for the purpose of migration. It should also be noted that, by referring to decision-making ‘over the course of’ a migration trajectory, I do not mean to imply that the trajectory has necessarily ended; processes of reintegration following return may be considered part of the migration experience, and return may always be followed by a new departure that extends the trajectory. In this dissertation, ‘over the course of’ a migration trajectory is therefore used to direct attention to decision-making processes subsequent to departure from a place of origin (but which also include decision-making to leave a place of origin). The objective of this dissertation is therefore to contribute to an understanding of decision-making processes at different moments of a migration trajectory, but does not seek to develop the concept of a migration trajectory, or its application as a methodological approach.

As a final note, the focus of this investigation is on migration trajectories and decision-making rather than ‘im/mobility trajectories’ (Schapendonk et al., 2021). While I acknowledge the risk of methodological nationalism (Wimmer & Glick Schiller, 2002) that accompanies the uncritical study of the nation-state system as an organising principle of social life, this dissertation is concerned with the impacts of mostly national – policies on the experiences and decision-making of irregularised migrants. A focus on national territories, and the different rights and regulatory powers that a migrant is subject to in these distinct juridical spaces, is therefore central to the analysis. Secondly, following Hoffmeyer-Zlotnik’s (2020) recent review and conceptualisation of the migration-mobility nexus, I consider that the large majority of the migrants whose experiences are analysed in this dissertation take a ‘place-based’ perspective in their own decision-making; they aspire to a new ‘place of stay’ where they can ‘establish new roots’ (p.12) and therefore conceive of their own cross-border movements as processes of migration rather than mobility. When referring to migration or migratory aspirations or decision-making, I also mean to include the (potential) desire to stay in a country of current residence or transit, as I view the intention to stay somewhere as part of migration decision-making following departure from a place of origin.

Countries of origin, current or former residence, intended transit and potential destination
As discussed above, in the context of an individual migration trajectory (let alone at the level of aggregate flows), conventional terms such as ‘country of origin’, ‘country of transit’ or ‘country of destination’ may be difficult to apply accurately and unambiguously. However, such labels remain useful for analysing individual decision-making processes, not least because an individual migrant may relate differently to countries they perceive as their place of origin, transit, current or future residence. In this dissertation, terms such as ‘country of origin’, ‘country of current residence’, ‘country of intended transit’, ‘country of intended destination’ and ‘potential destination country’ (and variants thereof) are used with as much precision as possible in order to analyse and present individual decision-making processes while acknowledging that intentions and situations may evolve over time.

Policies
An understanding of what is meant by ‘policies’ in the field of migration is firstly informed by Kuschminder and Koser’s (2017) distinction between migration-specific and migration-relevant policies. Migration-relevant policies are policies that do not seek to impact migrants or potential migrants specifically. Nonetheless, these kinds of policies can impact migration processes by affecting broader conditions relating, for example, to economic opportunities, healthcare or education. Migration-specific policies, by contrast, are designed to impact migrants or potential migrants specifically, for example through border management policies or the rights given to migrants with different legal statuses.
A second relevant distinction is between ‘favourable policies’ and ‘adverse policies’ (Kuschminder & Koser, 2017). Favourable policies are favourable from the migrant’s perspective; these are policies which give the migrant rights (and access) to, for example, cross-border or internal movement, employment, social protection, or educational services. Adverse policies are the opposite; these are policies which withdraw rights and pose barriers to the migrant’s access to, inter alia, mobility, employment, social protection, or educational services. Adverse policies – or what are often termed ‘policy restrictions’ – may also be considered as either ‘containment’ or ‘deterrent’ measures (Abdelaaty, 2022). Containment measures seek to physically control (and often block) someone’s movement – for example to stop them from leaving a country or from entering another country. Deterrence measures, by contrast, seek to shape migration flows by altering migrant decision-making. Policies with a deterrence objective (for example, poor reception conditions, or restrictions on rights in the destination country) are designed to dissuade someone from pursuing a certain course of action – and are often focussed on deterring entry to a country of potential destination. A policy may also have both a containment and deterrence function – for example, where strict and punitive border controls are meant to both physically prevent an individual from crossing a border, as well as deterring them from attempting to cross in the first place.

While this dissertation is primarily conceived as a contribution to empirical and theoretical understandings, the analyses of the impacts of policies on the experiences and decision-making of irregularised migrants (Chapters 4-7) also offer a number of implications and recommendations for policy, which are described in the individual empirical chapters, as well as in the concluding chapter (Chapter 8).

1.2.3 Introduction to the case contexts

The first two empirical chapters of this dissertation (Chapters 4 and 5) examine the decision-making of Afghan, Iraqi and Syrian asylum-seekers, a large proportion of whom are recognised as refugees but whose right to asylum, and right to cross borders in order to claim asylum, are increasingly undermined and restricted. By contrast, Chapters 6 and 7 examine the decision-making of Albanian asylum-seekers who are generally not recognised as refugees. They are therefore a group whose supposed ‘abuse’ of the asylum system contributes to irregular migration, in the view of EU policymakers. The following section provides an introduction to these different groups and their migration towards Europe. These are presented in the order of highest (Syrian) to lowest (Albanian) inflows in recent years (calculated as the total of first-time asylum applications between 2014 and 2021, since, at the time of writing, Eurostat (2022) does not show totals for the EU27 countries earlier than 2014).

Syrians

Syrians make up the largest refugee population in the world: in 2021 there were 6.8 million Syrian refugees registered under the UNHCR’s mandate (UNHCR, 2022b). The growth of forced displacement from Syria has also been relatively recent and rapid, following the escalation of civil war that broke out in the country in 2011. Neighbouring countries – and particularly Turkey, Lebanon, Jordan, Iraq and Egypt – received and continue to host the largest part of those displaced from Syria (5.7 million in 2021; UNHCR, 2022c). However, as the early years of the crisis wore on, Syrians grew frustrated by the precarious conditions and lack of opportunities they faced in the region and, as Egypt, Lebanon and Jordan closed their borders to new arrivals in 2013 and 2014, Syrians began to seek protection further afield (Hudson, 2018; Kvittingen et al., 2019). From 2014 onwards, large numbers of Syrians started to arrive in the EU, precipitating what came to be known as Europe’s ‘refugee crisis’ (Hudson, 2018). Between 2014 and 2021, over 1.2 million Syrian nationals sought asylum in EU member states (data not available for earlier years) – mostly in Germany, which has received over 700,000 first-time applications from Syrians (Eurostat, 2022).

Syrian asylum-seekers have typically been granted international protection in the EU – the average EU27 recognition rate between 2012 and 2021 is 90% (Eurostat, 2021). Public discourse – at least in Northern or Western Europe – has often been sympathetic; of all the groups studied in this dissertation, Syrians have generally been seen as most deserving of protection and support. This is also reflected in government policy; in the EU-Turkey Statement, resettlement from Turkey to the EU was envisioned only for Syrian nationals. Nonetheless, Syrians have also been the target of rising xenophobia and restrictions. Apart from a brief period in which the Western Balkan segment of the route was ‘open’ and their overland travel to Western Europe facilitated and informally authorised, Syrians have continued to be forced to take dangerous and expensive irregularised routes. Moreover, over time, as host society fatigue has set in and xenophobic populist movements have grown in strength, Syrian asylum-seekers have faced increasing restrictions and a shrinking protection space (Will, 2018). For example, whereas Turkey maintained an open-border policy when the Syrian crisis began in 2011, from 2013 onwards the Turkish government closed and militarised its border with Syria (Okyay, 2017). Through the EU-Turkey Statement, the EU has sought to prevent the further arrival of Syrian asylum-seekers and individual EU Member States have introduced more restrictive measures – for example, by granting Syrian nationals subsidiary protection rather than full refugee status (Konle-Seidl, 2018). More recently, Denmark has started to rescind the residence permits of Syrian refugees from the Damascus region and has sought to forcibly return them to Syria (Strzyżyńska, 2022).
Afghans
Afghans have constituted one of the largest asylum-seeking groups in the EU for decades, due to the protracted nature of conflict in Afghanistan and the limited protection and lack of durable solutions available in neighbouring countries such as Iran and Pakistan – which nonetheless continue to host the large majority of Afghan nationals (Crawley & Kaytaz, 2022). Between 2014 and 2021 over 650,000 Afghan nationals sought asylum in Europe – second only to the number of Syrians (Eurostat, 2022). Afghans were also one of the largest groups to join the increasing flows of Syrians and others trying to reach the EU via the Eastern Mediterranean route from 2014 onwards (Hudson, 2018). However, Afghans have faced much lower and more variable recognition rates across EU countries in the past decade (Migration Policy Institute, 2021; Sajjad, 2018). At the height of the so-called migrant or refugee ‘crisis’ in 2015, the EU27 recognition rate for Afghans was 70%, which fell to 46% by 2018, and recently rose again to 71% in 2021 (Eurostat, 2021). In the context of Cold War geopolitics, Afghan asylum-seekers were ‘welcomed as heroes of anti-communism’ yet in the intervening years they have come to be seen as economic migrants or ‘bogus’ asylum-seekers, and deprioritised within European asylum systems (Sajjad, 2018; Skodo, 2017). Despite the well-known phases of conflict and ongoing insecurity in Afghanistan, destination countries in the West paint Afghanistan as a safe, post-conflict country and have sought to ensure the return of irregularised Afghan migrants, including through a readmission agreement concluded between the EU and the Afghan government in 2016 (the Joint Way Forward).

Even following the Taliban’s second takeover of Afghanistan in 2021, European countries have been reluctant to halt deportations or to appear welcoming to asylum applications from Afghans (Venturi & Vallianatou, 2021). Beyond the evacuation of a limited number of Afghan nationals – largely those who had worked with Western governments and organisations, and their families – Afghans continue to face difficult and dangerous irregularised journeys to seek refuge (ECRE, 2021).

Iraqis
Forced displacement within and from Iraq has also been a ‘near constant feature’ of the country’s history for at least the past 40 years, following different phases of instability and conflict (Thibos, 2014, p. 2). Neighbouring countries (including Egypt, Jordan, Iran, Lebanon, Syria, Saudi Arabia and Turkey) have played the largest role in hosting Iraqi refugees (Thibos, 2014; UNHCR, 2021a). Europe has also received fluctuating numbers of Iraqi asylum-seekers: over 400,000 since 2014, when ISIS (the so-called Islamic State) gained large swathes of territory in northern Iraq and Iraqis joined Syrians and Afghans as the largest three nationality groups seeking asylum via the Eastern Mediterranean route (Eurostat, 2022; Kvittingen et al., 2019; Thibos, 2014). Germany has been the primary destination country for Iraqi asylum-seekers in Europe (Eurostat, 2022; Thibos, 2014). Like those of Afghans, refugee recognition rates for Iraqi nationals in Europe have varied considerably, peaking in 2015 at 89% across the EU27, but decreasing to 37% by 2021 (Eurostat, 2021). The late-2021 crisis on the Belarus border, when thousands of asylum-seekers – mainly Iraqi nationals – were violently pushed back from the EU’s external borders, illustrates the hardening of European policy towards Iraqi asylum-seekers (and towards non-Ukrainian asylum-seekers in general) (BBC News, 2021).

Albanians
In the early years of Albania’s contemporary migration history – which followed the fall of the communist regime in 1990 – around 30,000 Albanians were accepted as refugees in Italy and other Western European countries (King et al., 2011). However, the much larger portion of the post-1990 mass exodus arrived as labour migrants, outside of legal channels (King et al., 2011). Since the 1990s, Albanian migration to the EU has been characterised by irregularised outflows of young men seeking work abroad – primarily in Greece and Italy (sometime followed by their wives and families later on), managed in part by mass regularisation programmes in Italy and Greece (Gëdeshi & King, 2018; King & Vullnetari, 2012). However, in the wake of the 2008 global financial crisis, shrinking economic opportunities in Greece and Italy led to renewed pressure on the Albanian economy as remittances fell and migrants in Greece and Italy returned to the Albanian labour market (INSTAT/CESS, 2020). Since then, Albanians have increasingly used asylum-seeking to EU Member States as an economic survival strategy (INSTAT/CESS, 2020). The number of first-time asylum applications by Albanian nationals in the EU-28 grew steadily from 615 in 2008 to 16,145 in 2014, before increasing to a peak of 66,145 in 2015 (Eurostat, 2022). This number had already declined considerably to 29,145 in 2016 and has further decreased in recent years (Eurostat, 2022). Again, Germany has received the largest shares of asylum flows from Albania (Eurostat, 2022).
‘stated under her breath’ that an Albanian family were not “really refugees” and “do not really need help” because they are not from Syria’ (p.17). Nonetheless, in the international media, the strong representation of Albanian and other Western Balkan nationals among the increased asylum inflows to the EU in 2015 and 2016 drew little attention compared to the inflamed and polarised debate surrounding the arrival of asylum-seekers from Middle Eastern and African countries. This is likely in part because arrivals from the Western Balkans did not trigger the same humanitarian and securitisation framings in political discourse. Albanian and other Western Balkan nationals have had visa-free access to the EU since 2010, and were able to take safer overland routes, making them less visible and much less vulnerable to the fatal risks of sea and other border crossings. Nor were Western Balkan asylum-seekers subject to the same processes of racialisation that construct (darker-skinned, and often more obviously Muslim) refugees and other migrants from Africa and the Middle East as a security threat (Holmes & Castañeda, 2016). Their lack of conspicuous prominence within the ‘crisis’ discourse is likely also because Western Balkan asylum-seekers largely did not stay in the EU (see Chapter 7 for further detail), and therefore have not presented the same (potential) political challenges either for host country welfare states, integration policy or return policy. The Albanian government has cooperated on return and readmission from the EU, and also on the EU’s broader migration management agenda: Albania was the first non-EU country to sign a cooperation agreement with the European Border and Coast Guard Agency (Frontex) in 2018 (European Commission, 2017, 2018a, 2018b).

The cases introduced above are therefore characterised both by similarities and differences. All of the national groups have arrived in the EU as asylum-seekers; all arrived in much higher numbers between 2014 and 2017 (although the overall volumes remain quite different, see Figure 1 above); and all have been subject to increasingly restrictive policies and practices. However, the drivers of migration and the nature of the journeys undertaken by the Albanians, in contrast to those of the Afghans, Iraqis and Syrians, have been significantly different; and there have also been differences in how these groups have been perceived and received in the EU. A last difference, further discussed in Chapter 7, is the opening-up of legal labour migration opportunities for Albanian nationals, which stands in stark contrast to the lack of such pathways for the other groups. These national groups and cases are not directly compared in this dissertation – the individual chapters address different research questions and examine decision-making at different moments of a migration trajectory – but nevertheless allow for some cross-cutting insights and reflections that can inform future research and policy development.

Figure 1. The number of first-time asylum applications in the EU27, by country of origin, 2014-2021

1.3 Study overview and significance
This chapter has introduced the background context, set out the research questions, provided an overview of the empirical chapters to follow, discussed the meaning and use of key terms, and introduced the migrant groups on which the analyses focus. To summarise the study’s rationale and objectives, it has been noted that, in spite of the consensus reached that migrants engage in decision-making throughout their migration trajectories, there has been relatively little research to understand these decision-making processes following departure from a place of origin. This dissertation therefore contributes to the emerging literature on the decision-making of irregularised migrants over the course of their trajectories, including regarding return. In particular, and in the context of policy interventions and innovations designed to selectively attract, prevent, and manage different (potential) migrant groups, the analyses presented here seek to understand the role of policies in shaping the lived experiences and decision-making processes of irregularised migrants. The studies are therefore designed to better inform policy debates and policy development, which are often based on assumptions not borne out by the evidence base (Border Criminologies, 2022; Crawley et al., 2016; Hagen-Zanker and Mallett, 2020).

Data is presented for the years 2014-2021 because Eurostat has recently stopped making available data on asylum arrivals in the EU27 for the years preceding 2014.
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Following this introduction, Chapter 2 provides an overview of the state of knowledge on the decision-making of irregularised migrants following departure from a place of origin and highlights three aspects of decision-making that remain understudied and to which this dissertation contributes new evidence. These are: 1) family-level decision-making; 2) the role of social, psychological and emotional factors; and 3) the role of policies in migration decision-making. Chapter 3 introduces the research projects which provide the context for the four studies presented in the empirical chapters to follow and overviews the respective methodological approaches. Chapter 4, the first of the four empirical analyses, provides an exploratory study of the strategies adopted by Afghan, Iraqi and Syrian refugee families in order to overcome controls on their movement and access to asylum. Chapter 5 examines the lived experiences and resistance to return demonstrated by rejected Afghan asylum-seekers who are subject to prohibitions on access to basic welfare in the Netherlands. Chapter 6 investigates how Albanian asylum-seekers have navigated information and uncertainty in pursuit of their migratory aspirations and over the course of their migration trajectories. Chapter 7 examines in greater depth the return decision-making of rejected Albanian asylum-seekers in Germany and highlights the role of opportunities for legal re-migration to the EU, and the perceived legitimacy of the return orders received, in motivating acceptance of assisted return. Chapter 8 summarises the findings and provides some concluding remarks on the dissertation’s key contributions to developing understandings in relation to each of the sub-questions. Chapter 8 furthermore outlines a number of policy implications and recommendations, and directions for future research.

Taken together, these studies illustrate the different ways in which (potential) migrants ignore or resist policy restrictions and persevere in irregularised journeys or residence when they perceive no acceptable alternative. Across these case studies, hope emerges as a powerful source of motivation for undertaking irregularised modes of migration in spite of the uncertainty, risks and costs involved. It is therefore argued that policymakers who assume a purely instrumental rationality in the decision-making processes of vulnerable (potential) migrants fail to acknowledge that, without a reasonable alternative, hope is a non-rational but nevertheless ‘reasonable strategy’ (Zinn, 2016) for dealing with a situation experienced as intolerable and which offers little other scope for manoeuvre. Nonetheless, a comparison across these case studies also demonstrates that migrants are responsive to policies when these offer hope, or an alternative course of action which they perceive as reasonable. These findings provide evidence to support a more pragmatic and balanced approach to migration management, in which legal migration channels for vulnerable people should play a central role.

References

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CHAPTER 2

Literature Review: The Decision-making of Irregularised Migrants Over the Course of Their Trajectories
2.1 Introduction

Migrant decision-making has long been the subject of theorisation. Early models of migration decision-making focussed on economic conditions and motivations, but research has since broadened to include a wide range of influences including: the role of social networks; linguistic and cultural ties; love and family projects; adventure and lifestyle preferences; and physical security, political stability and civil rights (Crawley & Blitz, 2019; de Haas et al., 2019; FitzGerland & Arar, 2018; Hagen-Zanker & Hennessey, 2021; King, 2002; Massey et al., 1993; Strey et al., 2018). The acknowledged diversity of factors that may affect migrant decision-making are often accounted for in ‘push-pull’ models, but these have been criticised for reproducing an overly simplistic, static view of migration decision-making as a rational cost-benefit analysis to maximise income or ‘utility’ (Crawley & Hagen-Zanker, 2019; de Haas, 2021; de Haas et al., 2019). More recently, and reflecting the turn away from rational models of migrant decision-making which prioritise ‘hard’ and ‘objective’ material and economic factors, studies have paid increasing attention to the social processes that shape migration, and to the role of ‘soft’ or ‘subjective and intangible’ dimensions of migration decision-making, such as imagination, personality traits, emotions, feelings, beliefs and values (Hagen-Zanker & Hennessey, 2021; Hillmann & van Naerssen, 2019, p. 11).

Transcending the varied and complex nature of migrant decision-making, two frameworks for understanding migrant decision-making have gained popularity for their value in disentangling migration decision-making and processes. The first is the ‘two step approach’, whereby migration aspirations are distinguished from the ability – or capability – to migrate (Carling, 2002; Carling & Schewel, 2018; de Haas, 2021). For migration to take place, an individual must have both the aspiration to migrate (a desire or intention) as well as the ability, or capability, to migrate – the latter understood as determined by the positive and negative liberties (for example, financial resources, physical health, the presence and nature of border controls) which may enable or constrain the realisation of migration aspirations (de Haas, 2021).

The second framework is the ‘threshold approach’ (van der Velde & van Naerssen, 2011) which identifies three stages of decision-making or mental hurdles that need to be overcome for migration to take place (at least when migration is somewhat voluntary). These are: i) the decision to leave rather than to stay (the ‘indifference threshold’); ii) the decision regarding intended destination (the ‘locational threshold’); and iii) the decision of how to get there (the ‘trajectory threshold’). In practice, however, these decisions may be tightly interlinked and difficult to distinguish from one another. For example, the decision to leave and the choice of destination may be one and the same, as in cases where it is the desire to be in a specific destination (for instance, to join a family member) that motivates the decision to leave, without other destinations being considered. Similarly, where regular migration is accessible and envisaged, ‘the choice of a trajectory is a logical consequence of the intended destination’, whereas for irregularised migrants, for whom straightforward and direct routes are often inaccessible, the choice of trajectory may be a more complex decision, and may in turn determine the choice of destination (Smith et al., 2019, p. 157).

As mentioned in Chapter 1, studies of decision-making processes following departure from a place of origin make up only a small part of the broader literature on migration decision-making. Nonetheless, the emergent scholarship on decision-making over the course of a migration trajectory is reflective of the complexity of decision-making processes overviewed above and can be approached through the frameworks of the aspiration-ability/capability and threshold models. In the review below, the concept of ‘capabilities’ is preferred over ‘ability’ since capabilities allows for an understanding of how changes in ‘the ability of human beings to lead lives they have reason to value’ may also influence aspirations to stay or to migrate (de Haas, 2021). The following sections firstly overview the particularities of the ‘post-departure’ decision-making processes of irregularised migrants, before providing a review of the state of the empirical literature.

2.2 Decision-making following departure from a place of origin

There are many reasons why decision-making post-departure from a place of origin may diverge from decisions taken in a country of origin. First, decision-making at the time of departure from a country of origin may be rushed, ill-informed or incomplete. Studies have found that, particularly in the case of those fleeing danger such as persecution or generalised conflict, many migrants do not have an intended destination in mind when they leave their country of origin; their initial concern is only to escape the immediate threat (Brekke & Brochmann, 2015; Mallett & Hagen-Zanker, 2018). It may only be in another country (for example, a neighbouring country that offers relative safety) that migrants can take the time and gather the necessary information and resources to reflect on their options and formulate a plan (Koser & Pinkerton, 2002). Smith et al. (2019, pp. 151–152) have also observed that ‘many migrants purposively maintain a certain vagueness in the final destination they seek to reach in order to make this dream achievable, doable; this uncertainty may only be resolved later in their trajectory.'
Second and relatedly, in a new environment, migrants may be exposed to new information, experiences and people that affect their decision-making (Hagen-Zanker & Mallett, 2022; Pickering et al., 2016). Such inputs to decision-making processes are particularly likely to occur in the context of a ‘transit hub’: an environment such as a refugee camp, informal encampment (for example, the Calais Jungle) or urban district where migrants gather in order to make use of the ‘migration industry’ that can help to facilitate their further migration or continued stay (Schapendonk, 2018; Spener, 2009). Actors in this industry may include, inter alia: smugglers and other facilitators of irregularised migration; other commercial actors such as money transfer companies, guesthouses, and employers offering casual work; and non-governmental, inter-governmental and governmental actors involved in the running of reception centres and refugee camps and in providing access to asylum procedures, resettlement and assisted return programmes. In these contexts, migrants are likely to meet other migrants, smugglers, volunteers, lawyers and others who may provide information and advice, and may offer help to achieve or, indeed, may obstruct, the migrant’s aspirations to leave or stay (Brekke & Brochmann, 2015; Campana & Gelsthorne, 2021; Collyer, 2007; Kaytaz, 2016; Mainwaring, 2016; Mallett & Hagen-Zanker, 2018; Schapendonk, 2018). In addition to new information, direct experience of a country may also help a migrant to make up their mind regarding next steps. For example, in their study of the decision-making of Syrian, Eritrean and Nigerian migrants, Crawley and Hagen-Zanker (2019) report that, ‘people told us that they were intending to travel to, and experience living in, a particular country before deciding whether or not to stay there’ (p.26). Other scholars have emphasised how migratory travel and transit does not proceed in isolation from an individual’s broader life experiences, and that, as developments relating to the person’s work, education, psychological attitudes, health, romantic and other relationships take place post-departure, so may their migratory aspirations adjust (BenEzer & Zetter, 2015; Mallett & Hagen-Zanker, 2018; Schapendonk, 2018).

Third, a migrant’s capabilities for staying or leaving may change, not only due to their individual situation and experiences (for example, as suggested above, if they develop new relationships or skills, receive help, or are able to earn and save money) but also due to developments in the broader structural environment. For instance, an economic downturn may reduce opportunities for income generation, and changes in immigration policies and practices may present new opportunities or barriers to continued stay or departure (Kuschminder et al., 2019). As demonstrated by Schapendonk and Steel (2014), changing capabilities can frustrate or enable the pursuit of existing migratory aspirations, but may also change aspirations. Among other examples, the authors discuss the case of Vincent, a Nigerian man who came to Turkey with the intention of moving onwards to the EU, but who eventually decided to stay in Turkey after finding success as an informal textile trader. This work gave him the necessary capabilities to live a meaningful life in Turkey: ‘His frustrations regarding his inability to reach the EU had been replaced by feelings of excitement about life in Istanbul’ (Schapendonk & Steel, 2014, p. 267).

Fourth and finally, following departure from a place of origin, possible future destinations may include both onwards migration to a ‘new’ destination, as well as return. For migrants who have already lived in more than one country, the notion of return may include both return to a country of birth as well as to a country of previous residence – although the latter has received much less attention in the literature. It is also worth noting that return may feel like a first migration or onwards migration for those who have never lived, or barely lived, in their country of birth or nationality (Crawley & Kaytaz, 2022; Kılınc, 2022). The empirical literature demonstrates that the options of staying in the current country of residence (or presence), migrating onwards to another country, or returning to the country of origin may be considered within the same decision-making process (Ahrens, 2017; Galemba et al., 2021; Marouff & Kouki, 2017). For example, Galemba et al. (2021) write that ‘Tapachula has evolved into a multi-modal pivot point of prolonged waiting, settlement, and return as migrants now determine whether to continue north, return, or pursue alternatives in Mexico.’ In other circumstances, however, the idea of returning may be rejected by migrants who see staying or moving onwards as the only options that merit consideration (Wissink et al., 2013). Considerations regarding countries of origin and countries of potential destination may differ for multiple reasons. Firstly, a migrant may have more information about their country of origin in comparison to potential future destinations that they have not yet directly experienced. Second, countries of origin and countries of potential destination may have different symbolic meanings. For example, return to a country of origin (under the right conditions) may be perceived as the ‘successful’ conclusion of a migration project; while onwards migration to reach a preferred destination may also offer the promise of achievement.

Drawing on Black et al.’s (2004) model of return decision-making, Koser and Kuschminder’s model of decision-making ‘in transit’ (Figure 2, below), further developed by Kuschminder et al. (2019), sets out the options of staying, migrating onwards, and returning, and accounts for a range of factors which have been identified as shaping the decision to leave or stay, as well as the choice of destination (in this framework these are viewed as interlinked rather than separate decisions). Based on Koser and Kuschminder’s model, the following review of the empirical
literature focusses first on decision-making factors relating to structural conditions (conditions in the country of origin, country of current residence or transit, and potential future destinations); second on individual characteristics and circumstances (including social relations); before third focussing explicitly on the role of migration-specific policy interventions designed to shape the decision-making of irregularised migrants post-departure. The discussion then turns, fourth, to interactions and other social, psychological and emotional aspects of decision-making that have been inadequately accounted for in studies of onwards and return decision-making, before this chapter concludes with a summary of the state of knowledge.

Figure 2. Model of individual migration decision
Source: Kuschminder et al., 2019.

As a final note on migration processes post-departure from a place of origin, it is worth highlighting that the following discussion of irregularised migrant decision-making does not view migrant agency as the sole determinant of a migration trajectory (Hagen-Zanker & Mallett, 2022; Schapendonk, 2018). Rather, as Schapendonk (2019) emphasises, ‘Action or agency [...] cannot be reduced to an individualistic sense of autonomous power; they should instead be positioned in a force field of relationalities’ (p.22), which is structured by the socio-cultural, economic, political and institutional environment. This relational view of structure and agency is inherent to the widely used aspirations-capabilities conceptual framework mentioned above. Reflecting this conditionality, irregularised migration trajectories have been portrayed as highly contingent (Schapendonk, 2018); shaped not only by the migrant’s aspirations and planning, but also determined by luck, ‘chance encounters’ (Gladkova & Mazzucato, 2017), and other emergent opportunities and constraints which may constitute ‘critical events’ in the developing course of one’s life (Wissink et al., 2020; Wissink & Mazzucato, 2018). Such ‘critical events’ may impact both aspirations and capabilities and can include: interceptions by police, border guards or kidnappers; moments of negligence or generosity by police, border guards, kidnappers or smugglers; robbery, abuse or acts of kindness by other migrants or local citizens; the death or sickness of a family member; or a new romantic connection (Galemba et al., 2021; Kaytaz, 2016; Kuschminder, 2021; Mallett & Hagen-Zanker, 2018; Schapendonk, 2015; Zeleke, 2019).

Reflecting the ways in which ‘the contemporary migration policing regime increasingly requires migrants to adjust to unforeseen events with flexibility en route’ (Brigden & Mainwaring, 2016, p. 415), the concept of ‘social navigation’ (Vigh, 2009) has proved a fruitful lens through which to examine how irregularised migrants respond to shifting opportunities and obstacles, exerting agency within the often very limited room for manoeuvre available to them (Kuschminder, 2021; Ruzibiza & Berckmoes, 2022; Schapendonk, 2018; Triandafyllidou, 2019; Wanki et al., 2022). For example, as Brigden and Mainwaring (2016) show, in an environment of high constraint such as those created by strong border controls and scarce opportunities for legal migration, irregularised migrants may temporarily forfeit control and mobility in order to realise their migratory objectives, such as by accepting long periods of captivity in a smuggler’s ‘safe house’. Nonetheless, while these studies have drawn attention to the ways in which irregularised migrants continue to improvise and negotiate in pursuit of their goals, it must also be recognised that their ingenuity and determination can still be thwarted by border controls that leave many thousands stranded in a country which they wish to leave, deported to another country, or dead.

2.2.1 Structural conditions
Country of origin conditions
The broader literature on migrant decision-making views conditions in the country of origin – particularly economic and political – as central to decisions regarding return (Black et al., 2004; Klinthäll, 2007). Research on (non)-participation in assisted return programmes (commonly termed Assisted Voluntary Return [AVR]) – which, in some contexts, is a key mode of return for irregularised migrants – has attributed varying weight to the role of conditions in the country of origin in return decision-making – likely due to differences in methodological approach – but seem to indicate that (perceived) conditions in the country of origin weigh strongly in decisions not to return (Brekke, 2015; Koser & Kuschminder, 2015; Leerkes et al., 2017). What emerges clearly from studies on the decision-making of (rejected) asylum-seekers
in particular is that fear regarding – particularly security – conditions in the country of origin acts as a strong deterrent to return (Kox et al., 2020; Leerkes et al., 2020; Leerkes & Kox, 2017; Müller-Funk, 2019; Nshimbi, 2021; van Wijk, 2008). However, changing conditions in the country of origin can also dissipate or remove the original motivation(s) for asylum-seeking, thereby prompting a decision to return (Dubow & Kuschminder, 2021a).

Conditions in the current country of residence or transit
Conditions in a country of current residence or transit are highly relevant to the post-departure decision-making of irregularised migrants, who are likely to assess whether these conditions allow them to fulfil their needs and aspirations. Studies have identified a range of conditions which may motivate re-departure from a country of current residence or transit. Beyond access to legal status and rights (which is discussed below in relation to migration-specific policy interventions), broader socio-economic conditions prove critical to decision-making. Aspirations for onwards movement are driven by a lack of livelihood opportunities, poor working conditions, poor living conditions, the experience of discrimination and abuse, and the threat of violence (Borri, 2019; Crawley & Hagen-Zanker, 2019; Crawley & Jones, 2021; Kuschminder, 2018, 2021; Kuschminder et al., 2019; Kvingsten et al., 2019; Mallett & Hagen-Zanker, 2018; Schuster, 2011; Syed Zwick, 2022; Torfa et al., 2021; Zeleke, 2019). For those fleeing persecution or other violence in their country of origin, ties between people (such as government officials, and criminal or kinship networks) in the country of origin and the country of current residence or transit may mean that an individual migrant feels vulnerable to identification and renewed persecution or reprisals (Crawley & Hagen-Zanker, 2019; Galembo et al., 2021). This is the case, for example, for Eritreans who wanted to move onwards from Sudan, where they felt they could still be targeted by the Eritrean National Service (Crawley & Hagen-Zanker, 2019).

In contrast, satisfaction with socio-economic conditions may also induce migrants to stay in a country of current residence or transit. For example, a quantitative survey of migrants from Afghanistan, Iran, Iraq, Pakistan, and Syria found that those respondents who assessed their living conditions in Greece or Turkey as good or average were significantly less likely to want to migrate onwards; in Turkey, individuals who were employed were also less likely to seek onwards migration (Kuschminder & Waidler, 2020). A more recent qualitative study found similarly that Syrians who preferred to stay in Turkey did so because they had work that satisfied them, and/or because they preferred to remain in a more familiar religious and cultural environment (Kuschminder et al., 2019; see also Müller-Funk, 2019). Similar preferences to remain in an Arabic-speaking, culturally familiar country were found to shape a reluctant attitude towards onwards migration among Syrians in Jordan (Kvittingen et al., 2019). Even without any legal status, some irregularised migrants may feel attached to, and integrated in, the country of destination, which may produce strong resistance to leaving (Leerkes & Kox, 2017). Continued (irregularised) residence may also be facilitated by the support of a (often, co-ethnic) social network in the country of destination (Leerkes et al., 2017; van Wijk, 2008).

Conditions in other potential destinations
Where migrants consider moving onwards, this tends to be motivated by perceptions that, in another country, they can access or achieve the things that remain out of reach to them in the current country of residence or transit. Reflecting the challenges summarised above, onwards migration may therefore be motivated by perceptions of better economic opportunities, reception conditions or access to integration support, or a higher likelihood of regularisation – for example, through an asylum claim or regularisation programme (Ahrens, 2017; Brekke & Brochmann, 2015; Jung, 2021; Maroufof & Kouki, 2017). As Mallet and Hagen-Zanker (2018) describe in their study of the decision-making of irregularised Eritrean and Syrian migrants:

*Plans and destinations are shaped by where people see a viable future. Despite the diversity in our sample in terms of country of origin, education, occupation and social class, ‘locational objectives’ were remarkably shared: people wanted a place that offers safety and security, employment, schooling and education, and decent living conditions. As such, ‘final’ destinations are those places where people (feel like they) have a decent chance of achieving at least some of these objectives. (p. 348)*

As a last note on the structural conditions in countries of origin, countries of current residence or transit, and potential future destinations, it is also worth highlighting that such conditions may change, prompting new decisions (Crawley & Kaytaz, 2022; Kaytaz, 2016; Kuschminder et al., 2019; Schuster, 2011; Zeleke, 2019). For example, in their study of Pakistani migrants, Maroufof and Kouki (2017) observe that ‘rising unemployment in Greece since the recession, combined with the control policy of detention, has led many migrants to reconsider their options such as possible migration to other European countries or a return to Pakistan’ (p.93).

2.2.2 Individual characteristics and circumstances
Studies have paid attention to the characteristics of individual migrants and their migration projects and trajectories in influencing onwards and return decision-
making. In relation to individual trajectories, a few studies have noted that experiences during the migration trajectory may shape aspirations and next steps (Galemba et al., 2021; Hagen-Zanker & Mallett, 2022; Junge, 2021; Kaytaz, 2016). For example, Kaytaz (2016) observes that, following difficult experiences during their journeys to Turkey, some Afghan migrants became reluctant to attempt further irregularised migration onwards to Europe. Junge (2021) observes that, among Senegalese migrants, prior experience of migration to Brazil informs attitudes towards further migration in different ways. Whereas one respondent felt both increased confidence in his ability to navigate the challenges of migration and also a sense that he had ‘nothing to lose in Brazil’ (Junge, 2021, p.274), another who had a greater sense of achievement in Brazil adopted a more cautious approach, resolving to first test the waters as a visitor in the United States before taking any decision to migrate there indefinitely.

Regarding return, studies have found that, where irregularised migrants have spent considerable sums, and/or suffered long and difficult journeys to arrive at their destinations, these financial and emotional investments strongly deter them from giving up their migration projects and accepting return (Brouwers, 2018; van Wijk, 2008). Migrants who planned to work in the destination country and then return with accumulated savings may be determined to continue in their migration projects until they have (at least partially) met their financial goals (Leerkes & Kox, 2017). On the other hand, migrants who migrated primarily for work opportunities, and/or who always expected to return to their country of origin eventually, may be more inclined to return in the face of difficult conditions in the destination country (Dubow & Kuschminder, 2021a; Leerkes & Kox, 2017). There is also evidence that, in some cases, irregularised migrants do manage to (at least partially) fulfil their migration objectives and, at that point, decide to accept assisted return programmes (Dubow & Kuschminder, 2021a; Strand et al., 2016; van Wijk, 2008). This is less likely to be the case for (rejected) asylum-seekers whose opportunities to, for example, work or participate in educational courses are usually heavily constrained.

The length of time spent in a country of residence may also affect onwards or return decision-making. Brouwers (2018) found that irregularised migrants who have spent many years in the destination country are more resistant to returning, because they have somewhat integrated or have at least ‘got used to it’ there. For those with children who have integrated into the destination country (for example, who speak the language, have integrated socially, and are completing their schooling in the local education system), the costs of leaving can weigh particularly heavily (Brouwers, 2018; van Wijk, 2008). Irregularised migrants with young children may also find it easier to access assistance in the country of destination, thereby facilitating their continued residence (van Wijk, 2008).

Family relationships have therefore been identified as a key determinant of return decision-making, but in diverse ways. Leerkes et al. (2017) and Leerkes and Kox (2017) find that irregularised migrants with family members in the country of current residence are less likely to accept return, while Brekke (2015) finds that family groups are more likely to apply for assisted return – but then, after applying, less likely to actually return via assisted return. Irregularised migrants who have been in the destination country for a long time, and who no longer have close family living in the country of origin, may also feel that they have nothing to return to (Leerkes & Kox, 2017). On the other hand, the desire to re-join family in the country of origin, or changing circumstances within the family (for example, the death or sickness of a family member) have often been reported as a key motivation for return (Dubow & Kuschminder, 2021a; Koser & Kuschminder, 2015; Strand et al., 2016; van Wijk, 2008).

Studies of irregularised migrant journeys have paid relatively substantial attention to the role of social networks in shaping decision-making and trajectories and have highlighted the critical importance of social connections beyond family or kinship ties (Gladkova & Mazzucato, 2017; Mallett & Hagen-Zanker, 2018; Schapendonk, 2015; Zeleke, 2019). Pre-existing (transnational) family and friendship relations may remain very important, providing advice and encouragement (or pressure) to stay or move onwards, as well as financial resources in support of these objectives (Collyer, 2007; Thorsen, 2017; Schapendonk, 2015; Schuster, 2011; Wissink et al., 2013, 2020). Wissink et al. (2013) note in their study of migrants in Turkey that ‘While networks in the country of origin generally influence the migration pathway by encouraging a certain strategy, networks in Europe appeared to be particularly important for accessing the material and non-material resources needed for daily survival and to facilitate migration’ (p.1098). But ‘spontaneous social networks’ formed post-departure may also be essential sources of information, emotional, practical and material support – or the cause of further distress and difficulty, such as in cases of violence or theft (Collyer, 2007, p. 679; Mallett & Hagen-Zanker, 2018; Wissink et al., 2013; Zeleke, 2019). Mallett and Hagen-Zanker (2018) observe that solidarity between migrants – particularly those who share an ethnic or religious background – may extend to sharing financial resources: ‘in some cases, people are able to move on even without funds if they can draw on friends or ‘travelling companions’ who are able and willing to pay for them’ (p.346). Others rely on information and advice from people they may never have met in person but with whom they share a common route and goal. Mandic and Simpson (2017) give the example of a Syrian refugee
planning to move onwards from Serbia to Hungary who assessed the risks and viability of a potential border crossing ‘by drawing on social media postings from migrants who had travelled on this path several weeks earlier’ (p. 84). Particularly where migrants lack other sources of (trusted) support, they may also be more dependent on the information given and decisions made by smugglers (Mandić & Simpson, 2017; Wissink et al., 2013). Trajectory studies have also emphasised that the composition of a migrant’s social network, and the role played by different actors within this, may evolve over the course of a migration trajectory. Such changes may be brought about by the migrant’s active management of these relationships, or shaped by developments beyond their control, for instance if the migrant loses access to Information and Communications Technology (ICTs) upon arrest or in detention, or if a family member withdraws financial support due to a loss of income (Schapendonk, 2015; Wissink et al., 2013, 2020; Wissink & Mazzucato, 2018).

Regarding other individual characteristics, the lack of large-n, representative samples makes it difficult to conclude on the role of demographic variables such as age and gender in the onwards and return decision-making of irregularised migrants. However, Leerkes et al. (2017) find that unaccompanied men are more likely than unaccompanied women to accept assisted return programmes (and, as above, more likely than couples or families), and that age has a curvilinear effect. Although given as yet limited attention in the existing literature, individual (physical and mental) health has also been identified as an important determinant of return decision-making among rejected asylum-seekers – Leerkes et al. (2010) find those with poor mental health to be particularly resistant to return. In one of the only quantitative studies of onwards migration decision-making, Kuschminder and Waidler (2020) report that migrants in Turkey (from Afghanistan, Iran, Iraq, Pakistan, and Syria) were slightly more likely to want to migrate onwards to Europe if they had secondary education, as were those from an urban background. This suggests that people with more education and/or a more urban lifestyle have particular aspirations for their own lives and may therefore be more strongly motivated to reach a country where they can fulfill their expectations. By contrast, Ortensi and Kingston (2021) find that education level has no significant effect on the intention to stay in, or move onwards from, Italy, among migrants surveyed in the Lombardy region.

Finally, some qualitative studies have looked at the gendered nature of the opportunities and challenges that shape irregularised migrant experiences and trajectories. Studies have highlighted how women may be at a greater risk of sexual and gender-based violence, in addition to other forms of physical violence (Gerard & Pickering, 2014; Stock, 2012). However, in some situations, women – particularly if they are pregnant or travelling with young children – may be spared some of the violence directed towards men; as an Eritrean mother reported of her experience of kidnapping in Libya: ‘They beat me a few times, but because I had a child with me it’s not like it was for the others’ (Dubow & Kuschminder, 2021b). In these studies of the gendered nature of irregularised journeys, sexual exploitation is a recurrent theme; women may (be forced to) exchange sexual favours for migration facilitation services (Gerard & Pickering, 2014; Merkle et al., 2020; Stock, 2012; Tyszler, 2019). Sexual abuse and exploitation may also result in (unwanted) pregnancies, with implications for the mother’s future trajectory. As Stock (2012) reports: ‘The particular migratory dynamics of African women in Morocco make unwanted pregnancies and rape more likely, and push them towards assuming caring responsibilities they did not necessarily look for and sometimes force them to interrupt their journeys’ (p.1588).

More generally, women who are pregnant or who have young children may face specific challenges and have particular needs during their trajectories, which may shape their decision-making regarding when to migrate, whether to take their children with them, and which countries to stay in or move onwards from (Dubow & Kuschminder, 2021b; Gerard & Pickering, 2014; Stock, 2012). A few studies have reported that women (or their partners or smugglers) consider pregnancy a strategy to gain access to protection or residence rights (Carling, 2007; Stock, 2012; Tyszler, 2019). Tyszler reports that ‘some women try to get pregnant or are “encouraged” (in a more or less coerced way) to do so in order to increase their chances of accessing [a rescue boat]’ (p.10). Whilst women – particularly those who are pregnant or travelling with children – generally have easier (although largely inadequate) access to protective services and assistance such as healthcare and accommodation, the gendered ways in which vulnerability criteria are used to determine access to such services tend to exclude vulnerable men and boys with less visible needs (Kofman, 2019). Migrants of different genders may also face differential access to income-generation opportunities in countries of intended transit or potential destination, depending on the characteristics of the local labour market (Gerard & Pickering, 2014).

2.2.3 Policy interventions
As noted in Chapter 1, analysis of the role of policies in migration decision-making can distinguish between ‘migration-specific’ and ‘migration-relevant’ policies (Kuschminder & Koser, 2017). The impacts of migration-relevant policies (for example, regarding the labour or housing markets) are considered within the discussion of how structural conditions may affect decision-making, overviewed above. The following section focuses instead on the impacts of migration-specific policies designed to shape migration processes.
Migration-specific policies that shape decision-making regarding onwards migration

In some cases, border control policies which make it necessary for migrants to undertake difficult and potentially fatal journeys to move onwards (for instance, walls, fences, surveillance, push-backs, detention and offshore processing) succeed in deterring some migrants from undertaking irregularised onwards movement, at least in the shorter-term (Brekke & Brochmann, 2015; Kuschminder et al., 2019; Pickering et al., 2016). Other migrants, however, maintain strong aspirations to move onwards, and manage to do so, in spite of the risks and costs (Belloni, 2016; Fleay et al., 2016; Kuschminder et al., 2019). Particularly when faced with a risky onwards journey or uncertain prospects in a preferred destination elsewhere, migrants who have the opportunity to obtain legal status in, or access formal resettlement from, a country which they have already reached may be motivated to stay there, either indefinitely if they obtain legal status, or only as long as it takes to access resettlement (Galemba et al., 2021; Kuschminder & Koser, 2017; Pickering et al., 2016). Nonetheless, if the process takes too long, or the likelihood of acceptance seems too dim, migrants may decide to move onwards autonomously and irregularly (Fleay et al., 2016; Hagen-Zanker & Mallett, 2022; Kuschminder, 2021; Wissink et al., 2013).

Where aspirations for onwards migration persist, border controls and asylum policies may also shape the choice of intended destination. Studies have suggested that restrictions in one country may divert flows to another country (Barthel & Neumayer, 2015; Brekke & Aarset, 2009). Vice versa, Mallett and Hagen-Zanker (2019) conclude that migration policies that ‘make things a little easier’ (p.175) – for example, by relaxing the enforcement of returns under the Dublin regulation or by offering swifter processing of an asylum claim – may motivate arrivals that may have been heading elsewhere. Mallett and Hagen-Zanker (2019) conclude that policies that motivate and facilitate migration tend to have a larger impact on decision-making than restrictive policies: ‘the people we spoke to seemed generally to be more responsive to positive messaging and actions than they were to negative ones’ (p.176). Kuschminder and Koser (2017) find similarly that favourable migration-specific policies affect destination choice.

Nonetheless, the impact of policy interventions on migrant decision-making depends – as a necessary but not sufficient pre-condition – on migrants being sufficiently well informed about them (Hagen-Zanker & Mallet, 2022). This assumption – which underlies the deterrence logic of policy restrictions – is challenged by empirical studies that find that, often, irregularised migrants have ‘at best, patchy knowledge of asylum and migration policies in destination countries’ (Crawley & Hagen-Zanker, 2019, p. 27). In order to provide (potential) migrants with accurate information about policies, and thereby deter their migration, states have increasingly used information campaigns designed to change the decision-making of people both prior to departure from a country of origin, and post-departure in a place of potential transit, for example via newspaper adverts and online video clips (Fleay et al., 2016; Mallett & Hagen-Zanker, 2019). However, the available evidence suggests that such information campaigns have limited effects on preventing irregularised migration, for multiple reasons (Mallett & Hagen-Zanker, 2019; Spinks, 2013).

First, information disseminated via information campaigns may not reach its intended audience among (potential) migrant communities, due to a lack of access to relevant informational sources (for instance, due to technological or language barriers), or because (potential) migrants are simply unaware, disinterested in or distrustful of the relevant informational source. As Fleay et al. (2016) find, a migrant may have very little information before leaving their country of origin, and, where their journey is facilitated by a smuggler, may have little or no access to other informational sources post-departure, if, for example, their mobile phone is confiscated and they are not allowed to leave the premises where they are held in transit. Second, when it is received, information may be dismissed or ignored by migrants if it is considered unhelpful or unreliable (Fiedler, 2020; Fleay et al., 2016; Hernández-Carretero & Carling, 2012; van Bemmelen, 2020). Third, even where accurate information about the costs and risks of restrictive policies are accepted by migrants, these may be deemed of minor significance in relation to other factors, including conditions in countries of origin, such as persecution, conflict, poverty and acute social pressures, and the related opportunities perceived in potential destination countries, such as labour demand, political rights and freedoms (Crawley & Hagen-Zanker, 2019; Fleay et al., 2016; Mallett & Hagen-Zanker, 2019; Nshimbi, 2021).

Policies designed to incentivise return

Studies of return decision-making have largely focussed on (potential) return from countries of destination. In her study on the return decision-making of Senegalese migrants in Europe, Flahaux (2017) distinguishes between three types of policy in the destination country that may impact return decision-making among migrants in general (i.e. not only with regard to irregularised migrants). These are: i) Policies to control access to the destination country; ii) policies to regulate the conditions of residence in the destination country; and iii) policies to encourage or force return. Regarding the first, Flahaux (2017) adds to the consensus that ‘migrants may postpone or cancel their plans for return because of immigration policies becoming increasingly restrictive in destination countries’ (p.873) As she explains,
‘when “access” migration policies are very restrictive, migrants are aware that it will be difficult to migrate again to Europe if their reintegration process in Senegal is problematic. Therefore, they prefer not to take the risk of returning’ (p.888).

Regarding the second and third policy types, increasingly restrictive trends in policy targeting irregularised migrants demonstrates a convergence between policies designed to regulate the conditions of stay, and those designed to encourage or enforce return. Migrants without legal status, or with a legal status that offers limited rights, may experience or foresee multiple and significant constraints on their quality of life and opportunities in the country of current residence or transit. These can include: restrictions on their access to the formal labour market (and, resultingly, a reliance on precarious, exploitative and/or degrading work in the informal sector); restrictions on their access to housing, education, healthcare and other social welfare provisions; restrictions on their geographical mobility; and very limited possibilities for regularisation or secure legal status and the accompanying threat of detention and deportation. Several studies of return decision-making find that irregularised migrants may be worn down by such challenges and frustrations, to the point that they decide it would be better to leave (Brouwers, 2018; Dubow & Kuschminder, 2021a; Koser & Kuschminder, 2015; Strand et al., 2016; van Wijk, 2008). Nonetheless, some irregularised migrants may be determined to ‘stick it out’ in spite of such difficulties. Studies on the impacts of exclusionary policies (which bar access to the formal labour market and to social welfare provisions) have noted that rejected asylum-seekers, even in conditions of destitution, often strongly resist return (Crawley et al., 2011; Kox et al., 2020; Smart, 2009). Other studies have investigated the effects of detention practices, finding mixed evidence that irregularised migrants may in some cases continue to strongly resist departure, and in other cases may ‘give up’ and accept return (Leerkes & Kox, 2017; Lietaert et al., 2015; Turnbull, 2019).

The threat of deportation may also exert pressure to leave via assisted return programmes even before a rejected asylum-seeker has left state accommodation or been detained. Many studies have found that the fear of deportation incentivises engagement with assisted return programmes (Brekke, 2015; Brouwers, 2018; Koser & Kuschminder, 2015; Leerkes et al., 2017; Strand et al., 2016). The reception centre staff interviewed by Brekke (2015) in his study of participation in Norwegian return and reintegration programmes furthermore emphasise that deportations must be visible to other irregularised migrants in order to constitute an effective threat. The precise reasons why the prospect of deportation acts as an incentive for participation in assisted return programmes has been given more limited attention. As an exception, Koser and Kuschminder (2015) find that participation in assisted return is driven by a concern to comply with the law – the desire to return as a ‘normal passenger’ or to avoid the potential ‘shame’ of deportation is less relevant in this study. A European Migration Network (EMN) synthesis report (2014) notes that an EU entry ban (prohibiting re-entry to the EU for a number of years) – which is typically applied in cases of deportation, but not necessarily in cases of ‘voluntary departure’ (i.e., departure via an assisted return programme) – may be used as an incentive to encourage ‘voluntary departure’. The EMN study finds little evaluative evidence to substantiate the assumption that entry bans may have a deterrent or coercive effect. An initial study of the use of entry bans in the Netherlands offers some evidence that the prospect of an EU entry ban might encourage irregularised migrants to depart ‘voluntarily’, but is not conclusive (Leerkes & Boersema, 2014). A later EMN synthesis report (2016) notes that the Netherlands, Germany and Sweden have found that communicating information about the imposition of an EU entry ban in the case of deportation is effective in encouraging ‘voluntary departures’ – particularly in the case of asylum-seekers from the Western Balkans, according to Swedish officials. More recently, Könönen (2022) has observed that the threat of an entry ban motivates ‘voluntary departure’ among some migrant groups, but not others, depending on the individual’s re-migration aspirations, as well as the feasibility, costs and risks of re-migration. Further research on the use and impacts of EU entry bans in incentivising compliance with return orders has not been identified.

Regarding the use of positive incentives, deportation may also be rejected in favour of the financial or material assistance which may accompany the offer of assisted return (Dubow & Kuschminder, 2021a). This observation relates to the broader consensus in the existing literature that the offer of reintegration assistance does not generally play a determining role in the decision to return but that, among those already inclined towards, or decided on, return, the offer of reintegration assistance can encourage (an earlier) return, or simply be considered helpful and better than returning with nothing (Black et al., 2004; Brekke, 2015; Dubow & Kuschminder, 2021a).

2.2.4 Other factors shaping decision-making post-departure

The above summary demonstrates the diversity of structural and individual-level factors that shape irregularised migrant decision-making post-departure from a place of origin, as well as the mixed effects that policies may have. What is not explicit in the framework set out by Koser and Kuschminder, and remains understudied in general, are the interactions between different dimensions, as well as the role of other social, psychological and emotional factors that shape decision-making. The more limited evidence on these aspects of decision-making is presented below.
First, there are indications that interactions between different factors can have important impacts on the decision-making of irregularised migrants. As one example, Leerkes and Kox (2017) find that, when held in detention facilities, asylum-seekers, as well as ‘family’ migrants, are particularly unwilling to return, relative to ‘labour’ migrants who are more susceptible to pressure to leave. This suggests that the effect of policy interventions (in this case, detention) may depend on the nature of the individual migration project (i.e. migration for asylum, family reunification or labour market opportunities – recognising of course that motivations may be mixed) which is in turn shaped by country of origin conditions and individual social ties, in particular. Similarly, studies of uptake into assisted return programmes note that different nationalities respond differently to the prospect of forced return (Brekke, 2015; Brouwers, 2018). This is likely both because the diverse conditions faced in different countries of origin prompt more or less resistance to return, and because the degree to which the threat of deportation is taken seriously by potential returnees depends to a large extent on whether and how the government of the country of origin is (perceived to be) cooperative regarding deportations.

Second, studies of migrant decision-making have begun to highlight that decision-making processes are not simply determined by structural conditions and individual circumstances but are mediated by a variety of social, psychological and emotional factors which can help to explain the often mixed and supposedly ‘irrational’ outcomes of decision-making processes. The limited evidence available on the role of these factors in the post-departure decision-making of irregularised migrants is overviewed below.

What is most commonly recognised is that it is a migrant’s perceptions of conditions and policies, rather than actual conditions and policies as they might be objectively or externally observed, that shapes decision-making. As Hagen-Zanker and Mallett argue, and as indicated above, migrants are unlikely to have full and comprehensive information about places and policies (and, crucially, about how policies are actually implemented in practice); moreover, the ways in which they seek, process and interpret information that is available to them is likely coloured by their own experiences, beliefs, and interests:

*It is thus rather about how information regarding certain places either connects to or jars with individual traits and characteristics, alongside personal beliefs and values. The nature of this interaction is an important part of how particular routes and destinations are decided upon, and whether certain kinds of risky behaviour, such as acts of irregular migration, are deemed appropriate and acceptable to particular individuals (Hagen-Zanker & Hennessey, 2021; Ryo, 2013; Schwartz et al., 2016) (Hagen-Zanker & Mallett, 2022, p. 10).*

As suggested above, individual personality traits would seem to play a role in shaping migratory aspirations and behaviour. Kaytaz (2016) points to the role of individual personality traits in mediating prior experiences and future aspirations among irregularised Afghan migrants:

*The same journey can have different impacts on people who undertake it, however, which points to the subjective nature of the journey. Two participants, for instance, were unwilling to leave Turkey irregularly after their experience of crossing the border with Iran, whereas their siblings who travelled with them were not deterred by the experience, and travelled irregularly to Europe (p. 297).*

In their study of the trajectories of African migrants in Ukraine, Gladkova and Mazzucato (2017) offer a more in-depth exploration of the way in which personality characteristics shape the responses of individual migrants to chance events, through a distinction between ‘ hustler’ and ‘pawm’ personality types. Similarly, Schapendonk’s (2018) discussion of the ways in which irregularised migrants employ *debourdillage* and social negotiation to navigate the constraints and opportunities encountered during their trajectories implies that the ‘art of improvisation’ may come more easily to some than others.

One of the feelings most discussed in the literature on migrant decision-making reviewed by Hagen-Zanker and Hennessey (2021) is hope. Studies have found that, even when irregularised migrants have exhausted, or almost exhausted, possibilities for obtaining legal residence in the country of destination, they may remain determined to stay, in the hope of a future opportunity to regularise (based, for example, on rumours, or the example of others who were eventually given residence permits after many years of waiting) (Brouwers, 2018; van Wijk, 2008). Relatedly, Brekke has pointed to the role of ‘loss aversion’ as ‘a human tendency to not want to lose something one already is in possession of or entitled to’ (2015, p. 82). In Brekke’s study, loss aversion helps to explain why, as described above, rejected asylum-seekers are loathe to give up their hopes of possible regularisation – they are determined not to ‘cut their losses’ too soon.

Social norms may also be a significant driver of motivations and feelings. Wissink and Mazzucato’s (2018) discussion of one research participant, Mohamed, illustrates how social norms and values – in this case, the wish to live up to his role as eldest
grandson, which was a source of self-worth – re-directed Mohamed’s energies away from onwards migration from Turkey to Europe, which had been his initial intention. In her study of Eritrean refugees attempting onwards movement within the EU, Belloni identifies a particular culture of social learning and social pressure that strengthens motivations for onwards movement among those who, due to ‘continuous exposure to the mobility of others from the group of peers’ fear being ‘left behind’ in Italy (2016, p.113). As this example suggests, where an individual’s behaviour does not align with powerful social norms, this can generate a strong sense of shame, which in turn impacts decision-making. The role of shame has also been identified as highly relevant to deterring return where the irregularised migrant has failed to live up to familial and community expectations of migration and return outcomes (Hernández-Carretero, 2017; van Wijk, 2008).

Collective perceptions and ideas can also contribute to the formation of shared imaginaries about particular places which affect migration decision-making. Jung points to the role of ‘social imaginaries’ in motivating onwards movement to countries which are invested with particular symbolic value:

> Intention of both ‘successful’ and ‘unsuccessful’ migrants are shaped by social imaginaries that divide the world hierarchically (Belloni, 2020). North America and Europe are at the top of this hierarchy of destination countries. Migration to the USA is regarded as better and more desirable than Brazil, which, in the words of some migrants, is almost the same as Senegal. These hierarchies shape the imagination that things will be even better in another country (2021, p.274).

Nonetheless, Schapendonk (2021) cautions against a ‘grand narrative’ of onwards migration as a staged process, linearly directed by a symbolic hierarchy of destinations. In his study of the intra-European trajectories of African migrants, he describes complex patterns of relocations, circulations and explorations that ‘destabilize the hierarchy of destinations that derive from stepwise migration models’ (2021, p.55).

Finally, recent studies have examined how and to what extent the concept of ‘perceived legitimacy’ affects compliance with return orders among irregularised migrants (Leerkes et al., 2017; Leerkes & Kox, 2017; van Houte et al., 2021). The term ‘perceived legitimacy’ generally refers to the subjective belief that an authority (or rule, social arrangement, or norm) is legitimate. As further explained in Chapter 7, while definitions of perceived legitimacy vary somewhat, conceptual understandings generally draw a link between the appraisal of an authority as legitimate and a corresponding sense of voluntary obligation to follow that authority’s rules or directives (Johnson et al., 2014; Tankebe, 2013). In studies of the role of perceived legitimacy in return decision-making, those migrants who perceive their obligation to leave (and/or detention for that purpose) as more legitimate have been found to be more willing to leave, while those who find their obligation to leave or detention more illegitimate are more likely to resist (Leerkes & Kox, 2017; van Alphen et al., 2013; van Houte et al., 2021).

### 2.3 Summary

The literature on the decision-making processes of irregularised migrants amply demonstrates the diversity of factors which may affect decisions to stay, move onwards or return. The irregularised migrants studied in the relatively new literature reviewed above represent a heterogeneity of profiles and experiences. It is therefore not surprising that, while certain factors – for example, political and economic conditions in the country of current residence or transit, or social relationships – emerge as broadly relevant to decision-making across groups and case countries, the particular way in which a factor manifests as relevant and influences decision-making may vary greatly depending on structural context and individual circumstances. There is therefore a need for further case studies and in-depth comparative studies in order to better understand the relevance and interactions between different factors, and to identify broader patterns across different groups and contexts.

In addition to this general need for further case studies and comparative research, three more specific ‘gaps’ in the literature can be identified:

1. **Family decision-making**

The studies reviewed above disproportionately focus on single or individual migrants as decision-makers (although they may take into account the influence of family members in countries of origin or elsewhere). Migrants also migrate in family groups and research needs to better understand family dynamics in decision-making, and how decision-making is negotiated at the family level, where the family aspires to migrate as a group.

2. **The role of social, psychological and emotional factors**

Further research is needed to understand the role of values, beliefs, emotions and social norms in mediating decision-making processes. As Hagen-Zanker and Hennessey (2021) point out, these subjective and intangible factors are not static or fixed: factors such as risk attitudes, beliefs, feelings and values may also change.
over the course of a migration trajectory, in interaction with the environment. This dynamism adds an additional layer of complexity to our understanding of their role in decision-making processes.

3. The role of policies
As discussed above, the existing literature identifies mixed effects in terms of the impacts of a particular policy, with limited explanation of why outcomes differ between migrants. Generally, and in light of the pace and intensity of policy development and innovation in this area, more research is needed on the role of policies in decision-making. This is particularly important given the assumptions underpinning political discourse and policy design which may have significant societal impacts (Crawley et al., 2016).

As stated in Chapter 1, the need for further research on each of these three aspects of decision-making has informed the sub-questions that guide the analyses of this dissertation. Chapter 8, which concludes this dissertation, reflects on the empirical and theoretical insights which the empirical chapters contribute to addressing each of these sub-questions, and also offers suggestions for a future research agenda.

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Chapter 2 - Literature review: The decision-making of irregularised migrants over the course of their trajectories


Chapter 2 - Literature review: The decision-making of irregularised migrants over the course of their trajectories


CHAPTER 3
Methodology
Chapter 3 - Methodology

3.1 Research context

This dissertation is comprised of four standalone empirical chapters based on data collected within the framework of four research projects on migrant decision-making, funded by external research funders and donors. In two of these research projects (the ‘Fluctuations in Migration Flows to Europe’ project, and the AdMiGov project), I was involved in the later stages of the research design; I was not involved at the proposal stage, but I led the design of the data collection tools, fieldwork approach, and analysis strategy, and also led the data collection, data analysis, and original analysis. The data used in Chapter 4 (the ‘Irregular Migrants’ Decision Making Factors in Transit’ project), and all of the data in Chapter 5 (the ‘Rejected Afghan Asylum Seekers in the Netherlands’ project), was data collected in the framework of two previously concluded research projects for which I was not involved in the research design, data collection, or original analysis.

Table 2 provides an overview of the research projects on which the chapters of this dissertation are based.

<table>
<thead>
<tr>
<th>Research project(s)</th>
<th>Research question(s)/objective(s)</th>
<th>Funder</th>
<th>Details of fieldwork</th>
<th>Research participants</th>
<th>Total number of interviews conducted for the project</th>
<th>Number of interviews (re) analysed for the present dissertation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 4. Family Strategies in Refugee Journeys to Europe</td>
<td>Fluctuations in Migration Flows to Europe</td>
<td>Primary research question: How can the fluctuations in migration flows on the Balkan route from January 2015 - December 2018 be explained? Sub-questions: - What explanations are there for the sharp decrease in the number of refugees and migrants on the Balkan route even before the EU-Turkey Statement came into effect? - What are the decision making factors of refugees and migrants who choose to leave Turkey before and after the EU-Turkey Statement? - To what extent do policy interventions impact refugees and migrants' decision-making regarding routes and destination choices?</td>
<td>Research and Documentation Centre (WODC) of the Dutch Ministry of Justice and Security</td>
<td>2019: Bosnia and Herzegovina, the Netherlands, Serbia and Turkey</td>
<td>132</td>
<td>20</td>
</tr>
<tr>
<td>Irregular Migrants' Decision Making Factors in Transit</td>
<td>The research objective was to better understand how migrants in transit make decisions about whether to stay, move onwards or return.</td>
<td>Australian Department of Immigration and Border Protection and the Australian National University's Collaborative Research Programme on the International Movement of People</td>
<td>2015: Greece and Turkey</td>
<td>Afghan, Iran, Iraqi, Syrian and Pakistani nationals; and key stakeholders</td>
<td>60</td>
<td>6</td>
</tr>
</tbody>
</table>
### Chapter 3 - Methodology

#### Research project(s)

| Chapter 5 | Research objective was to examine the reasons, decision making factors, processes and experiences of irregular Afghan migrants in their migration from Afghanistan and/or Iran to the Netherlands. |
| Chapter 6 | The research objectives were to examine: - Return migrants' decision-making regarding the acceptance or refusal of assisted return packages (AVR); - Return migrants' experiences since their return; and, in particular, to understand whether migrants who are returned to their countries of origin via assisted voluntary return or forced removal are being sustainably reintegrated; - In what ways reintegration processes are impacted by EU Exit regimes; - And the post-Exit monitoring process. |
| Chapter 7 | Legality and legitimacy in the return decision-making of rejected Albanian asylum-seekers |

#### Research question(s)/ objective(s)

| Chapter 5 | Rejected Afghan asylum seekers in the Netherlands |
| Chapter 6 | Advancing Alternative Migration Governance (AdMiGov) (WP2) |
| Chapter 7 | Whiteness and legitimacy in the return decision-making of rejected Albanian asylum-seekers |

#### Funder

| Chapter 5 | Maastricht University |
| Chapter 6 | The European Commission's H2020 program under grant number 822625 |
| Chapter 7 | Albanian, Iraqi and Senegalese nationals; key stakeholders |

#### Details of fieldwork

| Chapter 5 | 2013-2014; the Netherlands |
| Chapter 6 | 2020-2021; Albania, Iraq and Senegal |
| Chapter 7 | Albanian, Iraqi and Senegalese nationals; key stakeholders |

#### Research participants

| Chapter 5 | Afghan nationals; and key stakeholders |
| Chapter 6 | Albanian, Iraqi and Senegalese nationals; key stakeholders |
| Chapter 7 | 58 and 146 |

#### Number of interviews conducted for the present dissertation

| Chapter 5 | 40 |
| Chapter 6 | 56 |
| Chapter 7 | 56 |
In the process of analysis for these two research projects, collaborators had recorded in the field. Notes and observations from the individual interviews, which I and the project team had conducted, were recorded in the form of fieldwork notes. My analysis of the interview data was also aided by fieldwork notes and observations from the individual interviews, which I and the project collaborators had recorded in the field.

With the aim of developing the chapters of this dissertation, I conducted the second stage of coding. For each empirical chapter, I recoded and analysed the data in accordance with the particular research objectives I had in mind for each analysis (except for Chapter 5 where I relied more heavily on the comprehensive coding already conducted for the original aims of the research, and to which I added supplementary codes). The tentative research questions that I was exploring also shaped the inclusion and exclusion criteria that I used to select the sub-sample of participants. With this guidance in mind, I read these transcripts to familiarise myself with the data, whilst taking preliminary notes regarding interesting cases, themes and ideas.

As a last note, where respondents are directly cited or referred to in the analyses, pseudonyms are used to protect their anonymity.

Links to full explanations of the methodologies used for each research project can be found in the Appendix.

3.3 Case selection

As mentioned in the Introduction (Chapter 1), the combination of case studies and fieldwork sites presented in this dissertation allows for consideration of different profiles of irregularised migrants, and of their decision-making at different stages of their migration trajectories. Chapters 4 and 5 examine the decision-making of Afghan, Iraqi and Syrian asylum-seekers who might be considered ‘traditional’ refugee groups in Europe (both in terms of their relatively high recognition rates and, in the case of Afghans and Iraqis, their long history of seeking asylum in the EU). Chapters 5 and 6 examine the decision-making of Albanian nationals whose prominence as asylum-seekers in the EU is a more recent phenomenon, and who are typically considered ‘economic migrants’ rather than refugees. Beyond offering a diversity of characteristics, these four national groups are also relevant to study in terms of their numeric significance within asylum inflows to the EU in the last decade.

Further detail on the relevance of each national group, and of the selected fieldwork sites, is given in each of the empirical chapters, as well as in the full project methodologies (see the Appendix).

3.4 Ethical considerations and researcher positionality

3.4.1 Research ethics protocols

The largest part of the data collected and analysed in this dissertation was collected via qualitative, semi-structured interviews with migrants. There are particular ethical risks and challenges associated with this kind of data collection (Clark-Kazak, 2021). Individuals within these migrant groups may be considered vulnerable for a number of reasons. First, their ability to understand the research process and give informed consent may be constrained by language or literacy barriers and by a low educational background (Hugman et al., 2011). Second, those who have escaped conflict or persecution, and/or faced the risks and dangers of irregularised journeys, may have experienced trauma or otherwise very difficult moments which, if brought up in an interview discussion, may cause them distress. Third, those who have irregular (or otherwise insecure) legal status at the time of interview, and/or may be relying on assistance to subsist in their country of transit or current residence, may be particularly vulnerable to manipulation, exploitation or other harm, whether or not...
intended. For example, in a situation of vulnerability or dependence, migrants may feel obliged to participate in research because they fear that their refusal may lead to the withdrawal of such assistance, or because they hope that they may derive some kind of direct benefit from participating (Clark-Kazak, 2021; Mackenzie et al., 2007). Moreover, participants without legal status, or who may be subject to persecution or discrimination, may be at risk of identification, and of arrest, deportation or other harm if, through the research process, their identity, irregularised status or other personal information becomes known (Jacobsen & Landau, 2003). In-depth qualitative interviews about individual experiences and decision-making are designed to collect detailed personal information (e.g., places of current and former residence, employment history, family composition, etc.) and may also include sensitive data if research participants disclose their ethnic background, religion, political views, or non-normative gender identity or sexual orientation. Such data could cause psychological or even physical harm to a research participant if it were disclosed non-anonymously to people outside of a research team and allowed for the participant’s identification (Clark-Kazak, 2021; Mackenzie et al., 2007).

Various measures were adopted in order to minimise these risks. First, only research participants at least 18 years of age were included in the study. If it seemed that a (potential) participant was in a fragile or confused state of mind—such that they could not give informed consent—they were also excluded from the study. Second, a detailed informed consent procedure was followed in each study. This typically involved explaining the research aims and process in detail; ensuring that the participant understood that they could voluntarily choose whether or not to participate, and that there were no direct benefits to participating; providing this information in a language in which they were fluent, and in simple terms; and providing information which would allow the participant to contact the research team to withdraw their consent, if they later changed their mind. Verbal, rather than written, consent was asked of the migrant interviewees, as is accepted practice when conducting research with irregularised and other vulnerable groups (Mackenzie et al., 2007). In such contexts, asking for verbal consent may be more appropriate and comfortable for the interviewee (for example, for individuals without basic literacy for whom signing a written form would not be meaningful, and may cause embarrassment) (Santana de Andrade, 2019). Creating a physical record of someone’s presence and location may, moreover, pose a risk to the research participant, if they do not have legal status or are otherwise seeking to avoid identification (for example, due to the threat of persecution) – see Santana de Andrade (2019) for a critical discussion of research ethics in the context of qualitative fieldwork with Syrians in Jordan and Turkey.

Third, the interview guides were carefully constructed around open-ended questions which did not require research participants to disclose difficult or potentially distressing information, but which allowed research participants the opportunity to share such information if they wished to (in relation to the research objectives). As regards data processing, strict data security protocols were followed to ensure the confidentiality and anonymity of the research participants.

Some of the data analysed in Chapters 6 and 7 comes from key stakeholder interviewees, including representatives from governmental, inter-governmental and civil society organisations. These research participants are not considered vulnerable in the same way as the migrant interviewees, as the key stakeholders participated in the research in their professional rather than personal capacity. As professionals working with migrants or within the governance of migration, they were expected to have a good understanding of research processes (and their rights therein); of what information may be sensitive for themselves and their organisations; and therefore what information they did and did not wish to disclose as part of the research. Nonetheless, similar research protocols were, of course, followed to ensure the voluntary and informed consent of the participants, and to protect the confidentiality and anonymity of their data, in accordance with their preferences. However, in contrast to the migrant interviews, key stakeholder interviewees were required to provide written consent, and were also asked their preferences regarding the degree of anonymity with which they wished their participation in the research to be presented.

As an additional measure to ensure that the research projects fulfilled established best practice according to the codes of ethics of the universities and research institutes involved in the projects, ethics approval from the relevant authorities was also sought.

For the ‘Fluctuations in Migration Flows to Europe’ project, ethics approval was granted by the Ethical Review Committee Inner City faculties of Maastricht University (reference: ERCIC_114_13_12_2018) and by the Koç University Committee on Human Research (reference: 2019.071.IRB3.046).

For the Advancing Alternative Migration Governance project, ethics approval was granted by the Ethics Review Board of the Faculty of Social and Behavioral Sciences, University of Amsterdam.
3.4.2 Positionality

Closely related to the power dynamics that may underlie a research encounter, affecting both the ethics of the data collection and the nature of the data collected, is the question of researcher positionality. A researcher’s positioning as an ‘insider’ or ‘outsider’ – or, often, as a complex mix of both – is shaped by a diversity of social and cultural characteristics (Merriam et al., 2001). These may have significant impacts on the data collection, affecting, inter alia: access to the intended group of research participants; the ways in which a research participant may understand and respond to a particular question; and the way in which the researcher may interpret their responses (Hammett et al., 2015; Gilbert, 2008; Merriam et al., 2001). Positionality is neither binary nor static (Merriam et al., 2001). One can be more or less of an insider or outsider with regard to a particular aspect of (shared) identity (for example, gender), but differently positioned with regard to another characteristic (for example, educational background) (Merriam et al., 2001). Moreover, the attributes of most influence may differ across research encounters – for example, depending on cultural norms and the topic of study – and one’s positioning may also shift over time, in response to changing experiences and feelings of familiarity (Hammett et al., 2015; Merriam et al., 2001).

Where I conducted the interviews myself (with Afghan, Syrian, and Albanian nationals) it is difficult to take into consideration the full diversity of the intersecting aspects of identity that may have affected the research encounter, due to the differing nationality, ethnicity, gender, class, educational backgrounds and other characteristics that shaped the interviewees’ own experiences and how they may have related to me – and I to them. Overall, however, I felt clearly positioned as an outsider, given, most especially, my lack of personal experience of conflict, persecution or poverty; the language barrier that existed (in most cases) between the interviewee and myself; and our different cultural backgrounds. Occasionally an interviewee explicitly positioned me as someone from another context – for example, my educational background and related opportunities that they had not had. I was also aware that sometimes an interviewee made a conscious effort to explain something that they did not assume I would understand – as one Albanian father said to Dr. Ilir Gëdeshi, who was interpreting the conversation: ‘To be honest, maybe the lady (myself, as interviewer) doesn’t understand it, but you understand. You are a parent? If you go out for a coffee. If you don’t bring money home. Can you call yourself a parent?’. On the one hand, then, my positionality as outsider may have understood and respond to a particular question; and the way in which the researcher may interpret their responses (Hammett et al., 2015; Gilbert, 2008; Merriam et al., 2001). Positionality is neither binary nor static (Merriam et al., 2001). One can be more or less of an insider or outsider with regard to a particular aspect of (shared) identity (for example, gender), but differently positioned with regard to another characteristic (for example, educational background) (Merriam et al., 2001). Moreover, the attributes of most influence may differ across research encounters – for example, depending on cultural norms and the topic of study – and one’s positioning may also shift over time, in response to changing experiences and feelings of familiarity (Hammett et al., 2015; Merriam et al., 2001).

Throughout the fieldwork and data analysis processes, I reflected on my positionality and tried as best as possible to mitigate the limitations that my outsider status might imply, and to reduce potential power discrepancies. In the context of the fieldwork, this meant, firstly, presenting myself in as neutral a way as possible (i.e. to minimise visible signs of my relative wealth, and to avoid highlighting my gender and relatively young age). I was also careful to be as respectful as possible, and to follow the interviewee’s lead, particularly when I was invited into their own home, or room in a reception centre. Few interviewees seemed to treat me with suspicion or hostility. In the case of the interviews I conducted with Afghan and Syrian asylum-seekers in reception centres in Bosnia and Herzegovina and in Serbia, this was likely in part because some of these interviews were facilitated by an interpreter with whom the interviewee already had a trusted relationship. In the case of the interviews I conducted with return migrants in Albania, this was likely because the Albanian returnees had generally positive experiences in Germany and other EU countries, and therefore viewed me as part of the society that they aspired to return to. I also imagine that being a young woman may have helped to position me in more of a ‘caring’ role and as less of a potential threat (Gilbert, 2008).

Regarding the interpretation of the data, I benefited from conversations with collaborators who assisted with the data collection and who share more of an ‘insider’ positionality with the people they interviewed, or assisted with interviewing (Dr Ilir Gëdeshi in Albania, and my colleagues Nasrat Sayed and Mohammad Khalaf in the Netherlands). I found the interviews that I conducted with Dr. Ilir Gëdeshi in Albania (i.e. where Dr. Gëdeshi took a role in guiding the conversation, rather than only acting as interpreter) to be particularly fruitful in terms of approaching more of a combined insider/outsider perspective (see also Bröckerhoff & Kipnis, 2014, for related reflections). In the process of reading, re-reading and analysing the interview transcripts, I also benefited from the insights of the native-speaker assistants who transcribed and translated the interview transcripts, who were generous in offering their own interpretations of certain phrases and passages, where the meaning remained ambiguous to me.
Lastly, many of the interviews analysed in this dissertation (specifically, in Chapters 4 and 5) were not conducted by me. In these cases, I drew on the observations and notes on interpretation offered by the interviewers who conducted them. In other research projects I have sometimes found it more difficult to analyse interviews that I did not conduct myself, particularly when the transcripts are translations from the original language used. This is largely because, based only on the interview transcript, one does not have a good sense of the interview setting, and cannot take into account important non-verbal information such as how the interviewee was dressed, their body language and way of speaking. Although the interviews that I conducted myself tended to remain more vivid in my mind, I was grateful that the interviews conducted by others and used for this dissertation were generally highly detailed and accompanied by pertinent observations, such that, after multiple readings, I also developed a good sense of these interview data.

3.5 Summary

This dissertation is based on semi-structured interview data collected within the framework of four research projects which investigated the decision-making of irregularised migrants, following a similar interview approach. I was directly involved in two of four of these research projects (in the research design, data collection, and analysis). For the other two research projects, I re-coded (or supplemented the existing coding) and re-analysed the interview data already collected, under the guidance of Dr. Katie Kuschminder, who led these research projects and with whom I co-authored the resulting chapters. Together, the datasets from the four research projects offer in-depth insights into the experiences and decision-making processes of different groups of irregularised migrants, over the course of their migration trajectories. The data were collected in accordance with detailed research ethics protocols; and my involvement in the research processes has been that of an ‘outsider’ – the implications of which I have been careful to reflect on, and to mitigate as needed and where possible.

References


CHAPTER 4

Family Strategies in Refugee Journeys to Europe


3 Small edits to this chapter have been made to ensure continuity between the chapters of this dissertation, and in response to feedback from the thesis assessment committee.
4.1 Introduction
Accessing asylum in Europe has become increasingly difficult for refugees. Strengthened physical barriers at borders constrain movement while new administrative controls – such as restrictions on family reunification – have narrowed access to legal statuses. Although these policies have impacted the journeys and experiences of asylum-seeking families, a dearth of research limits current understandings of how refugee families navigate these challenges. This chapter addresses this research gap by providing an exploratory analysis of how refugee families respond to these migration controls – often by deciding to separate (in the hope of eventually accessing family reunification provisions), and by moving onwards irregularly when formal family reunification seems uncertain or impossible.

The expanding literature on the decision-making processes of refugees and other migrants in the context of their fragmented journeys (Collyer, 2007) focusses largely on the individual as the ‘lead’ decision-maker. Scant attention has been paid to the ways in which families jointly navigate mobility regimes in order to achieve their migration aspirations. Whilst the focus on individual decision-making might be highly relevant within some irregularised migration contexts, the peak inflows to the EU via the Eastern Mediterranean in the autumn and winter of 2015 were comprised of increasingly large proportions of women and children, often travelling with their families (Kofman, 2019).

Family strategies in wider migration flows are commonplace – it is accepted that the first generation often migrate for their children’s future opportunities; that individual family members may migrate in order to provide for the rest of the family; and that the choice of destination may be a strategic decision based on the family’s perceived opportunities there (see, for example, Waters, 2005; Ryan et al., 2009). This literature emphasises the importance of family in migration decisions and strategies.

However, few studies have discussed the role of refugee families’ strategies in seeking asylum in the EU (henceforth referred to as their ‘migration strategies’). It has been found that, whether or not conceived deliberately (or indeed as the result of rape), pregnancy may be considered useful by women (and their partners or smugglers) as a way to improve their chances of a successful sea crossing and rescue in the Western Mediterranean, or to avoid deportation or gain residence and family reunification rights upon arrival in Spain (Carling, 2007; Stock, 2012; Tyszler, 2019). Stock’s (2012) in-depth exploration of gender dynamics among female refugees and other migrants in Morocco found that young children may also form part of family migration strategies. One single mother believed her children would help to strengthen their claim to UNHCR resettlement from Morocco; another sent her son ahead to France via smugglers hoping he would be granted citizenship and she would then be allowed to join him legally (Stock, 2012). This latter type of ‘staged’ migration has also been observed in the context of the Eastern Mediterranean route where men or young boys travel first, intending to apply for family reunification upon arrival in the EU (REACH, 2017; Kamp & Kuschminder, 2019; Kvittingen et al., 2019; Chandler et al., 2020). There has been minimal research beyond this to understand and conceptualise refugee family migration strategies.

This chapter contributes to the literature on refugees and other migrants’ decision-making through an investigation of the ways in which refugee families have been affected by policy developments along the Eastern Mediterranean route, and the migration strategies that they have adopted in response to these policies. The study is based on qualitative interviews with Afghan, Iraqi and Syrian family members who were on this route between 2015 and 2018. In seeking to understand the ways in which refugee families have responded to shifting policies during their trajectories, the analysis is informed by the concept of ‘social navigation’ (Vigh, 2009), which denotes the practice of ‘moving within a moving environment’ (p.425). As noted in Chapter 2, ‘social navigation’ is a useful lens for understanding the ways in which irregularised migrants pursue the realisation of their migratory objectives in a context of volatile constraints and opportunities, which require that strategies adjust flexibly in response to the anticipated influence of social forces (Vigh, 2009).

The remainder of the chapter is structured as follows. First, the next section on changing conditions on the Eastern Mediterranean route provides an overview of the structural conditions and policy developments that characterised the route between 2015 and 2018. Second, the methodology is summarised. Third, the results section analyses refugee families’ decisions to separate, and their decisions made in response to the barriers to their reunification. The consequences of refugee family separation are discussed before the conclusions section finally summarises the chapter’s key findings and reflects on their implications.

4.2 Changing conditions on the Eastern Mediterranean route
The Eastern Mediterranean route was the site of rapidly increasing migration flows that peaked in 2015, precipitating a political crisis (the so-called refugee or migrant ‘crisis’). In this section, we provide a brief overview of the policy developments that took place along the route between 2015 and 2018. The Eastern Mediterranean route refers to the route from Turkey into the EU via Greece, Bulgaria, or Cyprus. We also include in this analysis changes which occurred further along the route,
in the Western Balkans and key Western European destination countries, due to their impacts on decision-making upstream. A comprehensive review of all the migration-specific and migration-relevant policies introduced in this period is beyond the scope of this chapter; this summary focuses on those policies which, as will be demonstrated, have shaped refugee family strategies.

In mid-2015, when the first round of fieldwork was conducted in Turkey and Greece, most of the policy interventions introduced in response to the accelerating number of people on the route had not yet occurred. An important exception is Turkey’s closure of its land border with Syria. Since the beginning of the Syrian Civil War in early 2011, Syrians displaced by the crisis had been seeking refuge in neighbouring Turkey, where they were offered temporary protection and basic humanitarian assistance by the Turkish government (Dinçer et al., 2013). However, from 2013 onwards, Turkey gradually revoked its open border policy for Syrians. 2013 and 2014 saw a partial hardening of the border, which became full securitisation in mid-2015, making it extremely difficult – and potentially fatal – to attempt the land crossing from Syria to Turkey (Okyay, 2017).

Notwithstanding these restrictions, in 2015 Turkey hosted more than 2.5 million Syrian refugees and over 250,000 refugees of other nationalities (UNHCR, 2020). Although some refugees and migrants came to Turkey with the intention to stay, others wanted – or subsequently decided – to move onwards. Over 800,000 refugees and other migrants left Turkey in 2015 in order to reach the EU, most commonly via the short sea crossing to Greece, which necessitated the use of smugglers and was undertaken at the risk of drowning (UNHCR, 2015).

Some refugees and migrants left Turkey planning to settle in Greece, however, the majority planned to migrate onwards to further destinations in Europe (Koser & Kuschminder, 2016). It was well known that the vast majority of asylum-seekers had no access to adequate reception conditions in Greece (AIDA, 2015); Greece was facing its own economic crisis and the government did not provide accommodation or other basic humanitarian services. As will be described in the results, some families separated in Greece in order to access family reunification in another EU country in accordance with the Dublin Regulation’s family unity criteria.

However, refugees and other migrants seeking to move onwards irregularly from Greece in early and mid-2015 faced significant risks and obstacles to reach their desired EU destinations. Until June 2015, Greece’s northern border with North Macedonia was heavily securitised. Those who managed to move forwards into Macedonia, Serbia and Hungary were at continued risk of abuses including illegal pushbacks, detention in overcrowded and degrading conditions, and ill-treatment by authorities (Amnesty International, 2015). The route onwards from Greece changed significantly from mid-2015 when Greece’s northern border was opened and for a short period of time refugees and other migrants could leave Greece and travel onwards relatively freely to other European destinations.

October 2015 saw a peak in the number of irregularised arrivals in Greece. The rapidly increased inflows prompted the EU to introduce new restrictions on movement. The implementation of the November 2015 EU-Turkey Joint Action Plan (JAP) and the March 2016 EU-Turkey Statement resulted in: controls on movement within Turkey towards the coast; increased patrolling of the Aegean Sea and Turkey’s land borders with Greece and Bulgaria; and the detention of new arrivals to the Greek Aegean island ‘Hotspots’. In the months and years following the official closure of the Balkans route and the implementation of the EU-Turkey Statement, Western Balkans transit countries have strengthened and expanded their border controls in order to further secure existing routes and to counteract the emergence of new sub-routes (see Kuschminder et al., 2019, for a detailed account of these policies).

In response to the large number of arrivals, EU destination countries adjusted their asylum policies to reduce inflows. These have included, inter alia: granting asylum-seekers subsidiary protection rather than 1951 Convention refugee status; granting temporary rather than permanent residence permits or shortening already temporary residence permits; new integration requirements; and new restrictions on family reunification (Konle-Seidl, 2018). In March 2016, Germany temporarily suspended the right to family reunification for beneficiaries of subsidiary protection (Konle-Seidl, 2018). This was accompanied by a major shift towards granting subsidiary protection rather than ‘full’ refugee status: in 2015 only 0.6% of Syrian asylum-seekers were granted subsidiary protection status in Germany; this increased to 42% in 2016 (Konle-Seidl, 2018). Germany reintroduced family reunification procedures for subsidiary protection beneficiaries in August 2018 but imposed a cap of 1,000 family members a month – a quota which has not always been filled, in spite of high demand (InfoMigrants, 2019).

Finally, it has become more difficult for Syrians to join their families in Turkey. Following the full closure and militarisation of Turkey’s land border with Syria in mid-2015, in January 2016 Turkey introduced visa requirements for Syrians entering Turkey by sea and air. In the absence of an effective family reunification procedure for Syrians under Temporary Protection in Turkey (Council of Europe Commissioner...
This chapter is based on an in-depth analysis of 26 interviews, conducted with 29 interviewees (in a couple of cases, female siblings or friends chose to be interviewed together), that included specific information on family-level decision-making. Of these respondents, 19 were Syrian, eight were Afghan (including Afghans whose country of usual residence was Iran), and two were Iraqi. 20 men and nine women were interviewed. Six interviews were conducted in 2015 (three in Greece; three in Turkey); 20 were conducted in 2019 (seven in Bosnia and Herzegovina; seven in the Netherlands; one in Serbia; and five in Turkey). The data were coded inductively in Atlas.Ti. The scope of the analysis was limited to refugee migration strategies formulated in response to policies and policy-related developments. It is the respondents’ perceptions of policies and how these perceptions shape their decision-making that is of primary interest here; although we seek to understand respondents’ decision-making in relation to the changing policy environment, it is not our intention to assess the accuracy of their perceptions. Migration strategies common to both family units and refugees migrating independently of their families are not presented here, and neither are the impacts of non-policy related events. Pseudonyms are used to refer to individual research participants directly cited in the following analysis.

The term ‘refugee’ is purposely used in relation to the respondents included in this study. The majority were Syrian, and a smaller number were from Afghanistan or Iraq. All described feeling forced to flee their countries of origin. All were seeking or planning to seek asylum in the EU (and many of the Syrian respondents interviewed in the Netherlands had already received refugee or subsidiary protection status). Of course, it is not certain that the other respondents would eventually be granted protection status (indeed, some may not manage to reach and submit an asylum claim in a country which accepts asylum-seekers). Nonetheless, we refer to the research participants presumptively as ‘refugees’ based on their self-described international protection needs, as well as the relatively high rates of international protection granted to these nationalities in the EU. We therefore use the term ‘refugee’ broadly to refer to all likely or actual beneficiaries of international protection – not only under the 1951 Convention. This is because we recognise that terms such as refugee, asylum-seeker and subsidiary protection are bureaucratic labels; the assignment of one or the other to an individual does not reflect clear conceptual or empirical distinctions but is rather shaped by political interests that vary across place and time (Council of Europe Commissioner for Human Rights, 2017; Zetter, 2007). This can be seen in the diverse recognition rates for the same nationalities across the EU, as well as, as discussed above, the sudden shift towards granting subsidiary protection rather than refugee status to Syrians in Germany in 2016.
We acknowledge that these labels have implications for the different rights to family reunification afforded to asylum-seekers, refugees, and holders of other international protection statuses. Family reunification for refugees in the EU is governed by a legal framework that primarily includes the Family Reunification Directive (FRD), which only explicitly applies to Convention refugees, the Dublin Regulation (which applies to asylum-seekers), the European Convention on Human Rights (ECHR), and the EU Charter of Fundamental Rights. The FRD leaves substantial discretion to Member States in the formulation of national policies and practices. Consequently, the rights and conditions governing family reunification (including which family members are deemed eligible, usually interpreted narrowly) vary according to the individual’s legal status, country of destination, and certain vulnerability criteria (e.g., for unaccompanied minors within the Dublin system). Nonetheless, in most EU Member States subsidiary protection beneficiaries are granted similarly favourable rights and access to family reunification as refugees – including in the Netherlands where both groups have the same rights. Moreover, any differences in the rights afforded to refugees and subsidiary protection beneficiaries have been criticised by the Council of Europe Commissioner for Human Rights as being ‘difficult to reconcile’ with Article 14 of the ECHR, which guarantees against non-discrimination (2017, p.25).

### 4.4 Refugee families’ separation and decision-making

Family groups wanting to seek asylum together are particularly affected by the spiralling costs and challenges of irregularised journeys, as overviewed above. Families engage in complex decision-making to overcome these difficulties; separation emerges as a key adaptive strategy. The following section examines this decision-making, which includes: family separation at origin; family separation in transit during the journey; and onwards irregular movement in response to barriers to family reunification.

#### 4.4.1 Family separation at origin

A few respondents explained that their families had separated from the outset of their journeys because they did not have the financial means to pay for everyone to be smuggled. For some families, separation was therefore the inevitable outcome of financial constraint, imposed by the high costs of irregularised routes. Fathers and/or their sons undertook the journey on their own, hoping to bring their families to join them through family reunification provisions once they arrived in their intended destinations. The decision-making explained by Aalem, an Afghan respondent, is typical:

> I didn't have enough budget to bring all my family. I left with my oldest son, when we arrive to our final destination we will apply for asylum and then I will apply to bring my family.

All migrant journeys – and particularly irregularised journeys – are to some extent determined and shaped by the financial costs of the journey and the available resources to meet these costs. However, in the context of the refugee journeys examined in this chapter, the impact of conflict on household finances should be noted as a cause of family separation. Nadeem, who left Syria in 2015 at sixteen years old, explained that the war in Raqa had a direct impact on his family’s financial situation, and on their resulting decision that Nadeem would undertake the journey alone:

> [...] when we took the decision [to leave Raqa] it was either I leave or my father and younger brother leave together. [...] Because our financial situation was in the middle, but after the incidents in my city, they stopped paying my parents’ salaries, so our living standard became weak, so only one of us could leave.

For some families, separation in the country of origin was not – or not only – due to financial constraint, but rather emerged as a response to the physical barriers imposed by border controls (see also Chandler et al., 2020). This was particularly evident in the case of Syrians, whose journeys had been significantly impacted by the full closure of the Turkey-Syria border and its increasing militarisation from mid-2015 onwards. Two Syrian respondents who had tried to cross the Syria-Turkey border together with their families in mid-2015 and 2017 were separated at the border. This was the case for Salem, who described his experience when he left in 2017:

> I stayed with my wife and daughter for three and a half months trying to cross to Turkey. [...] The Turkish Gendarmerie would shoot a lot of bullets at us but we had set a goal that we will be leaving to Turkey, and from there to Europe. In the meantime, my wife was six months pregnant and she was suffering a lot, and I saw death in her eyes so I decided to send her back to Damascus. So she returned to Damascus and was interrogated ‘where is your husband?’ and I was able to leave to Turkey and to Greece from there.

Karam’s family were similarly separated at the Syria-Turkey border in August 2015, when only he and one of his sons made it across without interception by border guards. Although his wife and other children managed to cross at a later point, Karam and his son continued their journey to Greece. They calculated that it would be better for the rest of the family to stay in Turkey and join them in the EU later through
family reunification, due to the physical challenges posed by border crossings further down the route. Karam explained: ‘Even if the family had come with me from the start, they could not have come because we had to run, they can’t run.’ For refugee families aspiring to seek asylum in EU countries, leaving the country of origin is therefore often just the first of many physical and financial hurdles along the route.

4.4.2 Family separation in transit and sending unaccompanied minors
For the families who reached Turkey and Greece together, conditions there and in the Western Balkans continued to pose significant obstacles to their onwards movement. These barriers were often the combined effect of strict border controls – resulting in difficult and dangerous overland crossings – and poor economic conditions in these main transit hubs, where the costs of living are high while there are scant opportunities for income generation or humanitarian assistance. As a result, some families separated in Turkey and Greece, choosing to prioritise the onwards movement of one or a couple of family members.

Mohib, an Afghan respondent, was interviewed in Greece in mid-2015 where he had been living for one year with his family. In Turkey he had paid €3500 to send his wife and their two young children ahead of him to Greece, whilst he stayed behind in Turkey in order to earn sufficient money to finance his own passage. He struggled to put aside any substantial savings in Turkey, and was eventually sent money from relatives outside Turkey, at which point he paid €2000 USD to the same smuggler to join his family in Greece. In Greece Mohib realised that job opportunities were scarce, and that if his family continued to remain stuck in Greece they would quickly exhaust their remaining €4000 euros only on their day-to-day survival, leaving nothing to fund their onwards trajectory to Finland, which was their intended destination. He therefore negotiated with a smuggler to take his oldest daughter (who was then around six years old) to Finland, where her aunt could look after her and where she could apply for asylum and for reunification with her family. Mohib explained that he would have preferred his wife to be the one sent ahead to Finland, but he did not consider it feasible for him to look after his two small children on his own in Greece.

Squeezed between the high financial costs of the irregularised journey onwards from Greece, and the costs of staying put in Greece (with limited opportunities for replenishing their savings through income generation), Mohib’s decision-making demonstrates a careful deployment of the family’s resources in order to maximise their chances of successful refuge whilst minimising the potential risks. The family invested in the oldest daughter’s onwards movement as a way of getting a foot in the door of Finland’s asylum system before their resources were depleted. The careful (re)

distribution of the family’s financial capital was key to this strategy, but the family’s human capital and social resources were also carefully managed to ensure that the two children – now separated between Greece and Finland – continued to receive adequate care from their parents and aunt.

Similar accounts from other refugee families who separated in Greece and Turkey demonstrate the ways in which the decision to send one or more family members ahead was devised as a strategy to maximise the family’s prospects of successful migration (through formal reunification) and minimise the risks of the irregularised journey, within the family’s available budget. In some of these cases, the decision was made to send the member of the family perceived as most likely to be granted asylum and access to family reunification. For example, Amin, an Iraqi father interviewed in Turkey in 2015 explained:

For an amount of money, we were able to send my daughter, she’s fifteen years old, the youngest of the two girls. The money we had was enough to send one person only. And because she is young she can do family reunification. That’s why we chose her.

In other cases, families chose to send ahead the family member who was perceived as most vulnerable, for whom the costs of the protracted transit experience were therefore potentially greatest. Fereshta, an Afghan woman, was interviewed in Athens in 2015 where she had arrived with her two children (a daughter and son) some months earlier. Around three months into their stay in Greece, the opportunity arose to send her daughter onwards to Norway, through a social connection made in transit. Fereshta explained that she took this opportunity because it allowed her to further the family’s migration trajectory, and to protect her teenage daughter from the irregularised overland route, within the family’s financial means:

At the beginning we wanted to leave all together, three of us from the land way, but then we thought that it was not a good idea for the daughter who is at a very sensitive age. It was dangerous for her. And we didn’t have enough money for the three of us to go with the airplane. But we had money enough only to send one person. [...] We knew it was a good choice, because if someone from the family can get asylum in a country, we could make family reunification. So, that was why we sent my daughter there.

This type of in-transit decision-making – to separate in Greece or Turkey, prioritising the onwards movement of one family member who, it is hoped, will be able to access
asylum and family reunification in the EU destination country – was only discussed by respondents interviewed in 2015 (and by one Afghan woman interviewed in 2019 but who had been in Greece with her family in early 2016). This is likely because, although the law of the Dublin III Regulation has not changed, in practice, family reunification under Dublin III is no longer being effectively implemented. In particular, since 2017, Germany has systematically rejected take charge requests regarding families who split subsequent to arriving together in Greece (AIDA, 2018; RSA/PRO ASYL, 2019). Resultingly, it seems that it is no longer a common strategy to separate in Greece in order to later reunify in another EU Member State under the Dublin provision.

4.4.3 Barriers to family reunification

For families that separate, family reunification is an essential part of their long-term strategy, however, family reunification has become increasingly difficult in both Turkey and EU Member States. The findings demonstrate that Turkey’s militarisation of its border with Syria had further impacts on the onwards trajectories of the husbands and fathers who ended up alone in Turkey. Turkey’s imposition of tight administrative and physical controls on entry from Syria has created a situation in which men who have successfully reached Turkey face the prospect of indefinite separation from their wives and children. For Salem (discussed above) and two other young Syrian men interviewed in 2019 (in Bosnia and Herzegovina and the Netherlands), who had all left Syria between 2016 and 2017 without their families, Turkish border controls were an important determinant of their decisions to move onwards from Turkey to the EU. Given the extreme risks posed by the Syria-Turkey land border and their perceptions that they would not be able to obtain visas for their families to enter Turkey legally, these respondents did not consider it possible for their families to join them safely in Turkey. The need for a safe means of family reunification was therefore a critical incentive for their journeys onwards to the EU, where they understood that refugee status-holders have rights to family reunification.

Turkey’s migration policy – specifically, the closure of its border with Syria, the costs of irregularised entry for Afghans (to which Iranian policy also contributes), and the very limited prospects for legal family reunification to Turkey – thereby directly motivates onwards movement to the EU by ‘lead’ refugees who perceive that they will be able to access formal family reunification in EU countries. Jalal explained that he had not initially planned to migrate further than Turkey; he stayed in Turkey for a year and a half while he tried to register for Temporary Protection and make a new life for himself and his family. When he realised that Turkey was never going to be a new ‘homeland’, because he could not get legal status there or bring his family to join him, he decided to continue onwards to the EU. This consequence of Turkish government policy therefore runs counter to the stated objectives of the EU-Turkey Statement, which aims to end irregularised onwards movement from Turkey, in part by improving the conditions faced by refugees in Turkey. While the EU’s Facility for Refugees in Turkey is designed to provide humanitarian assistance, education, health, municipal infrastructure, and socio-economic support, it does not help to protect the right to family life in Turkey.

The data collected in 2019 shows that disappointed expectations regarding EU family reunification have resulted in the development of another strategy – that of irregularised onwards movement by left-behind family members. An often narrow definition of family results in the exclusion of close family members – such as adult children and non-married partners – from family reunification in many EU Member States. As mentioned, many of the main EU asylum destination countries responded to the higher-than-normal asylum inflows in 2015 by introducing further restrictions on family reunification. Consequently, many family members who aspire to join their family in the EU have not been granted the right to family reunification or have been faced with a long or indefinite wait to access the procedure. This was the case for three young Syrian women interviewed in transit in the Western Balkans in 2019, whose husbands, fiancés and other family members had already been granted protection status in Germany.

One of these women, Yara, explained that she had waited in Turkey for a year and a half hoping for family reunification with her husband who had been granted subsidiary protection status in Germany. At the end of 2018 she gave up waiting. She decided to attempt onwards irregularised movement along the Western Balkans route because ‘it’s better than staying in Turkey wondering whether the reunification will happen or not.’ Although family reunification rights for subsidiary protection beneficiaries in Germany had resumed in March 2018 and Yara was therefore eligible for reunification at the point that she left Turkey, it would seem that the large number of applications to process – and monthly quotas imposed – meant that reunification remained a distant prospect for Yara (and likely many others in her situation) – or at least this was her perception.

The impacts of EU Member State restrictions on family reunification were particularly obvious in the case of Syrians, given that many had family members who had reached the EU in recent years. However, it is likely that strict EU family reunification policies have had similar impacts on other refugee groups and have
resulted in similar strategies. This was the case for Abed, a young Afghan man, whose aspirations to join his family in the EU were frustrated by the fact that, as an adult child, he was ineligible to join his mother and younger siblings in their country of destination. Unwilling to be separated from them, he attempted the irregularised overland route to Europe. In this way, restrictions on family reunification do not necessarily change the migration aspirations of left-behind family members. Instead of passively accepting the lack of legal pathway or the prospect of an indefinite wait, left-behind family members take a right to a family life by undertaking the irregularised journey. The UNHCR has observed similarly that barriers to the timely implementation of family reunification under the Dublin Regulation resulted in the irregularised onwards movement of unaccompanied minors and other family members left behind in Greece (UNHCR, 2017).

4.5 Consequences of family separation
Refugees’ separation from family can be a source of great distress, loneliness and sometimes guilt, particularly when absent family members are perceived to be at risk or in difficulty (Savic et al., 2013; Beaton et al., 2018; Cantekin, 2019). The loss of familial support can be especially challenging for refugee women who have children to care for (Savic et al., 2013). At the time of interview in Greece, Fereshta’s family was suffering multiple separations. First, it was ‘not easy’ for her and her children to be away from her husband, who had remained in Iran due to financial constraint and responsibilities to his parents. Second, Fereshta was worried about the daughter she had sent onwards to Norway, and who had been admitted to hospital in Norway and responsibilities to his parents. Second, Fereshta was worried about the daughter she had sent onwards to Norway, and who had been admitted to hospital in Norway. And she did not get asylum yet. So, I am stressed here and my daughter is stressed there.

Similarly, Amin’s daughter, who was sent ahead from Turkey to Sweden, also suffered a deterioration in her mental health as a result of the separation:

She has a psychological issue now, she’s having nightmares. They took her to a psychologist […] they asked one of the supervisors to stay with her in her room, and she got a little better. She needs us so much. She’s tired because of the separation, she’s still a little girl and she’s not used to migrating and being away from her family, but it’s something we had to do.

Studies which have compared outcomes for unaccompanied refugee minors to those of refugee minors accompanied by family members have found that unaccompanied minors more frequently experience traumatic events, more frequently suffer serious mental health disorders, and are more likely to drop out of school – although it is not clear whether the causes of these problems precede or stem from the child’s unaccompanied migration experience (Huemer et al., 2009; Fazel et al., 2012; Çelikaksoy & Wadensjö, 2019). Separation from nuclear family members has also been associated with poorer mental health outcomes for adult refugees in countries of destination (Löbel, 2020).

The absence of family members may require difficult adjustments; young people may find themselves under particular pressure to assume adult roles and responsibilities (Savic et al., 2013; REACH, 2017). Nadeem emphasised that his journey from Syria to the Netherlands, which he undertook alone in 2015 at sixteen years old, had caused him immense strain: ‘it was very long, and it exhausted me physically, psychologically and in every way’. Even once they have successfully arrived in the destination country, unaccompanied minors may struggle to cope with the burden of their families’ hopes and expectations for family reunification, which they may not be able to secure quickly, or at all (Nardone & Correa-Velez, 2016; Kamp & Kuschminder, 2019).

Separation may also increase the physical risks to which family members are exposed. Unaccompanied children and women travelling without male companions may be particularly vulnerable to exploitation and abuse (Hopkins & Hill, 2008; Stock, 2012; Cantekin, 2019). Mohib was very aware of the risks he had to navigate in sending his wife and children ahead to Greece; he feared putting his family in the hands of a smuggler who would take them hostage for extortion. Heightened risks in terms of income security, access to education and healthcare, and physical safety may also be faced by family members left behind in the country of origin or a third country (often women and children) (REACH, 2017).

It should furthermore be understood that separation, and the accompanying anxiety, pressures, and risk, is not necessarily short-lived for the families who adopt these strategies. The Syrian respondents interviewed in the Netherlands who had successfully brought their families over to join them had had to wait between one and two years for reunification (additional to the time they had already spent separated during their journeys). Anxieties relating to separation, and to uncertainty regarding reunification procedures, may negatively affect refugees’ ability to focus on their own processes of integration (Wilmsen, 2013; Beaton et al., 2018). It is worth considering that destination countries that delay or deny family reunification may
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Decisions based on inaccurate information may have severe consequences for refugee families. For example, Nabil, a Syrian man, decided in Turkey that he could not expose his wife or daughters to the dangers of the sea crossing to Greece, and so sent his sons ahead to Sweden in 2015 to apply for family reunification. However, his understanding of asylum and family reunification policies in Sweden seems to have been misinformed: the family’s request for reunification was denied because both sons were over 18 years old. Nabil’s family therefore faced indefinite separation. Similarly, Fereshta explained that, after sending her daughter to Norway, she heard about a new policy which restricted family reunification for asylum-seekers in Norway:

*There is the new law in 2015 which made some amendments, and according to this new law, if she doesn't get the asylum, she cannot help us. Earlier, when you made the application, you could also take the family there during the process, before being recognised.*

She further explained that, had she known about this policy, she would not have sent her daughter to Norway: ‘we didn't know [about it]. We knew that something was going to change there, but we didn't know that the change would be this. If we knew, we wouldn't send her to Norway’. Although it was not clear what policy change Fereshta was referring to (Norway’s restrictions on family reunification were only proposed in late December 2015, and only came into effect in 2017, whereas this interview took place in mid-2015), nor what the consequences of Fereshta’s family strategy would be (at the time of interview, they were waiting for a decision on the daughter’s asylum application), this example illustrates the confusing landscape of shifting policies and misinformation that refugee families have to navigate in order to make extremely high-stakes decisions. A calculated risk based on inaccurate information may turn an intended temporary disruption to family life into a painful long-term or permanent separation (see also REACH, 2017).

These findings pose a number of questions for policymakers. The most obvious contradiction is between multilateral commitments to facilitate ‘safe, orderly and regular’ migration as set out in the Global Compact for Migration and the Sustainable Development Goals and the reality of increasing migration controls that impel irregularised movement, including of refugee family members who have a right to family reunification under international human rights standards and legislation. In the European context, it is particularly striking that EU policy to incentivise refugees to stay in Turkey fails to meet refugee families’ urgent need for family unity, which is not addressed through the EU Facility for Refugees in Turkey and which is, moreover, undermined by Turkey’s hardened migration controls.

4.6 Conclusion

This chapter has explored refugee families’ decision-making regarding family separation and reunification as a migration strategy on the Eastern Mediterranean route. The Eastern Mediterranean route has become more difficult for all migrants as a result of recent policy developments designed to further restrict opportunities for legal movement and to more strongly prevent and deter irregularised movement (Kuschminder et al., 2019). Given the lack of legal routes to claim asylum as a family, refugee families separate in order to overcome the physical and financial barriers on the irregularised route. In this context, the right to family reunification offered to status-holders in EU countries becomes a lifeline: for separated families, or families who cannot travel together due to the risks and obstacles, formal reunification offers the only means of safe and inexpensive passage for the rest of the family.

The decision to separate is therefore informed by an understanding of EU asylum policies, and of family reunification rights and procedures specifically. However, like those of other migrants, refugees’ understandings of these policies may be ill-informed (Kuschminder & Kosser, 2017). First, the actual implementation of policies may differ substantially to their description in governmental legislation or other documentation. Second, this is a dynamic policy environment, in which policies may change quickly, easily resulting in confusion and outdated information. Third, even if it is publicly available, refugees do not necessarily have access to reliable information about policies, due to literacy or language barriers, or lack of access to information and communication technologies. Fourth, rumours based on misinformation often circulate in transit and destination migration hubs, muddying the informational environment.

This chapter’s analysis of the ways in which refugee families pursue their migration aspirations in spite of extreme risks and constraints adds to and reflects the broader emerging literature on irregularised refugee and other migrant journeys, and on the
‘social navigation’ required therein. The cases of Amin, Fereshta and Mohib, which demonstrate that often it is not the child’s own decision to migrate unaccompanied by their families, are consistent with the literature on unaccompanied asylum-seeking children. The accounts of family members who have refused to accept restrictions on family reunification for adult children add further weight to criticism that EU countries impose an unfairly narrow conception of family (see Bastaki, 2019 for a fuller discussion). These insights are further contextualised by this chapter’s family-centred analysis. As this chapter illustrates, what is particular to the decision-making and experiences of refugee families is that separation offers the possibility to overcome migratory constraints – to be weighed up against the grievous risks and consequences that family separation entails. It is further shown that family separation is never the preferred choice. Separation is rather a last resort, undertaken out of desperation when financial resources are depleted, the journey seems impossible to complete together, and there is no other way to find refuge and a viable future for the family.

Current policies in the EU have created an environment in which families must separate at immense emotional costs and at the risk of long-term harm in order to be able to seek asylum. The trauma of the journey becomes protracted when families are not able to settle together in the country of destination. The emotional costs of family separation could be eased through faster and more efficient family reunification policies, in particular for minors. Family separation will likely continue to be a strategy for refugee families seeking asylum.

References


CHAPTER 5

Moral Exclusion, Dehumanisation, and Continued Resistance to Return: Experiences of Rejected Afghan Asylum-seekers in the Netherlands

NB: A slightly different version of this chapter, co-authored with Katie Kuschminder, has been published as: Kuschminder, K., & Dubow, T. (2022). Moral Exclusion, Dehumanisation, and Continued Resistance to Return: Experiences of Refused Afghan Asylum Seekers in the Netherlands. Geopolitics, 0(0), 1–22. https://doi.org/10.1080/14650045.2022.2055462

4 Small edits to this chapter have been made to ensure continuity between the chapters of this dissertation, and in response to feedback from the thesis assessment committee.
5.1 Introduction

In the Netherlands, national government policy has sought to encourage compliance with return orders by denying humanitarian assistance to irregularised migrants. Since the 1998 ‘Linking Act’ ‘irregular’ migrants have been excluded from state welfare provisions – a controversial policy which has been contested by local municipalities and civil society actors as well as ruled against by the European Committee of Social Rights (ECSR). More recently, a compromise has been found to provide basic welfare to irregularised migrants who cooperate on their return – however, this conditionality reflects the continued insistence by the Dutch government that ‘irregular’ migrants do not have a right to basic services or support, and that providing such assistance unconditionally would undermine an effective returns policy.

Despite increased policy interest and experimentation regarding methods to incentivise irregularised migrants’ cooperation on return, understandings of whether and how state policies influence return decision-making are limited (Koser & Kuschminder, 2015). Studies which have focussed on the lived experiences of rejected asylum-seekers and other irregularised migrants within hostile and restrictive policy environments have noted their strong resistance to return in spite of such exclusionary practices (Smart, 2009; Crawley et al., 2011; Kox et al., 2020; Bloch, 2014). Other studies have focussed specifically on the impacts of detention on irregularised migrants’ experiences and return decision-making, finding evidence of both continued efforts to resist departure, as well as instances of ‘giving up’ and acquiescence towards return (Leerkes & Kox, 2017; Lietaert et al., 2015; Hasselberg, 2014; Turnbull, 2019). Of particular relevance is Leerkes and Kox’s (2017) finding that, within the context of detention, asylum-seekers, as well as ‘family’ migrants, are particularly unwilling to return, relative to ‘labour’ migrants. This chapter therefore aims to further current understandings of whether and how policies designed to encourage the return of rejected asylum-seekers impact their decision-making through an examination of exclusionary policies that target rejected asylum-seekers living in the community – in this case, via the non-provision of welfare assistance.

The chapter is based on interviews conducted with 40 rejected Afghan asylum-seekers in the Netherlands between 2013-2014. The Netherlands presents a unique case for the examination of the effects of exclusionary policies on the decision-making of rejected asylum-seekers which nonetheless has broader relevance. First, as mentioned, the provision of assistance to rejected asylum-seekers has been a fraught political issue in the Netherlands. It has previously threatened to collapse the coalition government and remains a central point of contention between the national government and local municipalities, as well as in relation to human rights norms and legislation. The Netherlands has actively dismissed an order from the ECSR that the state is required to provide emergency social assistance to rejected asylum-seekers. The hard line taken against assistance for rejected asylum-seekers is surprising given the strong reputation for human rights and tolerance that the Netherlands promotes globally. The Netherlands is thus distinct from neighbours such as Germany, where assistance is provided to rejected asylum-seekers to prevent them from living in destitution. In 2014, a German court ruled that an asylum-seeker whose application was rejected in the Netherlands and who had subsequently moved to Germany should not be sent back to the Netherlands under the Dublin agreement due to the ‘inhuman conditions’ that they would face in the Netherlands (Dutch News, 2014). Second, the Dutch policy context and its effects are worthy of attention given the EU-wide policy focus on ensuring the return of irregularised migrants, and the similar policy efforts introduced in other countries to exclude irregularised migrants from social welfare and employment and thereby deter irregular entry and residence (Leerkes, 2016; Rosenberger & Koppes, 2018).

This chapter focusses on rejected Afghan asylum-seekers as a national group whose arrival in Europe as asylum-seekers has attracted considerable policymaker and public attention. This is firstly due to their numeric significance within overall asylum flows and, secondly, due to controversial efforts to enforce returns to Afghanistan in the context of political interests that have sought to classify Afghanistan as a ‘post-conflict’ and ‘safe’ country of origin and thereby portray Afghans as ‘illegal’ migrants or ‘bogus’ asylum-seekers (Sajjad, 2018). Afghans have been one of the largest asylum-seeking groups in Europe over the past decade. In 2016, 186,605 Afghans claimed asylum in the EU, an increase of more than 450 percent from 2014 (41,405) (Eurostat, 2021). After the peak in asylum applications in 2015 and 2016, applications by Afghan asylum-seekers declined considerably – to 48,105 in 2020 (Eurostat, 2021). However, Afghans remain one of the main asylum-seeking nationalities in the EU and became the largest group of applicants in September 2021 following the Taliban’s takeover in August 2021 (European Union Agency for Asylum, 2021).

A large proportion of Afghan asylum-seekers have received a negative decision on their claim. In 2013, when fieldwork for this study began, only 54% of first instance decisions on asylum applications by Afghans in the EU were positive, while the recognition rate for Afghans in the Netherlands has been even lower – both in 2013 (46%) and in more recent years (Migration Policy Institute, 2021). A study of the decisions given to Afghan asylum-seekers in the UK found that key reasons for refusals have included: that parts of Afghanistan were deemed safe for return (namely, Kabul); that Afghan asylum-seekers lacked the required documentation;
and that they excluded inconsistencies in dates and times (Schuster, 2020). Despite having a claim rejected, research has demonstrated that Afghans often choose to live irregularly in Europe instead of returning to Afghanistan (Schuster, 2011).

In light of the increase in asylum claims by Afghan nationals, and the high number of refusals, the return of rejected Afghan asylum-seekers became a priority in the EU. In October 2016, the EU and Afghanistan agreed the Joint Way Forward to facilitate the return and readmission of Afghan nationals. Between 2015 and 2016 recognition rates for Afghan nationals fell, while the number of deportations nearly tripled (Sajjad, 2018). Both the forced removals of Afghans and the Joint Way Forward received criticism from the media, civil society, and academic community, which question the safety and sustainability of returns to Afghanistan. Indeed, 2016 saw the highest number of civilians killed or injured in armed conflict in Afghanistan in recent years: 11,452 (of which 3,527 deaths), which represents almost double the number of civilians killed or injured in 2009 (5,969) (UNAMA/UN Human Rights Office, 2021, 12). At the time of writing, the Taliban had recently re-occupied Afghanistan. The Dutch government halted deportations to Afghanistan and, in light of the ‘uncertain situation in the country’, allowed a six-month moratorium on making any decisions on Afghan asylum applications (IND, 2021). The Netherlands and other EU countries have nonetheless been reluctant to halt deportations or to appear welcoming to asylum applications from Afghans (Venturi & Vallianatou, 2021).

This chapter contributes to an understanding of the geopolitics of return by focussing on the experiences and responses of rejected Afghan asylum-seekers both as the object of state bordering practices and as a key actor within return governance processes. First, drawing on a feminist approach to geopolitics we provide an account of the embodied effects of state practices of dehumanisation designed to induce the return of rejected asylum-seekers living in the Netherlands. Second, we examine their decision-making regarding return. As will be shown in the following analysis, rejected Afghan asylum-seekers strongly resist the biopolitical and geopolitical bordering practices that seek to remove them from the EU and restore them to their ‘proper’ place of citizenship in Afghanistan (regardless of whether Afghanistan is – or ever was – their ‘home’). Our finding that the denial of social welfare to rejected Afghan asylum-seekers does not motivate their compliance with return orders provides further necessary evidence against the use of such dehumanising measures as part of return regimes.

The chapter is organised into the five following sections. The first provides an overview of the theoretical perspectives that inform our conceptualisation of Dutch national policy as a state bordering practice that operates at the level of the body to dehumanise rejected asylum-seekers and thereby motivate their compliance with return. The second provides a brief overview of the legal and political context for rejected asylum-seekers in the Netherlands. The methodology used in this study is detailed in the third section. The fourth presents an account of, first, the embodied effects of state practices of dehumanisation and, second, the future planning and decision-making of rejected Afghan asylum-seekers. Conclusions and policy implications are offered in the final section.

5.2 Moral exclusion and dehumanisation of rejected asylum-seekers

The implicit logic underlying the Dutch government’s denial of humanitarian assistance (food, shelter and other basic needs) is that, by producing a state of material deprivation, rejected asylum-seekers can be motivated to return, either because their welfare and prospects in the country of origin would begin to look better by contrast, and/or simply by weakening their resolve to resist return procedures. The intended bodily and internalised effects of this policy invite examination informed by a feminist geopolitical approach, following scholarship which has sought to understand how geopolitical processes play out and are constituted at the scale of the body, and in the intimate spaces of everyday practices and affective relations (Hyndman, 2004; Mountz & Hyndman, 2006; Barabantseva et al., 2021). In shifting attention away from the state as central protagonist in traditional geopolitical analysis and towards the everyday experiences and practices of those subject to state power, a feminist approach attends to the ‘force relations that operate through and upon bodies’ and also allows space for an understanding of how people seek ‘to negotiate and transform the geopolitics they both animate and inhabit’ (Dixon & Marston, 2011, p. 445). Our analysis of the experiences and decision-making of rejected Afghan asylum-seekers therefore builds on work which has demonstrated not only ‘the everyday embodiment’ of borders but has also illustrated how everyday resistance by those subject to bordering practices challenges the order and control of border regimes (Tyerman, 2021, p. 468; see also Achtnich, 2021).

As for these bordering practices, we conceptualise the Dutch government’s policy towards rejected asylum-seekers as exclusion from the moral economy with the aim of securing their exclusion from the national community and territory. Moral economies can be defined as: ‘the production, distribution, circulation, and use of moral sentiments, emotions and values, and norms and obligations in social space’ (Fassin, 2009). Psychological boundaries delimit inclusion within and exclusion from the moral economy. Within the bounds of a moral economy, rules of fairness govern conduct (Opotow et al., 2005). Moral inclusion refers to those who are inside the
Moral exclusion, on the other hand, refers to those who are outside the boundary of purported fairness. Those outside this boundary are ‘excluded, beyond our moral concerns, and eligible for deprivation, exploitation, and other harms that might be ignored or condoned as normal, inevitable, and deserved’ (Opotow et al., 2005, p.305). In extreme circumstances, moral exclusion leads to the justification of human rights abuses and may even provide the precondition for genocidal violence. In a migration context, irregularised migrants, asylum-seekers, and minorities can all be victims of moral exclusion, existing outside of the community of lives that are deemed worthy of concern (Willen, 2012).

Moral exclusion is therefore similar to Agamben’s *Homo Sacer*, a figure who, excluded from the political community and the entitlements of citizenship, may be killed without legal consequence (Agamben, 1998). The concept of moral exclusion is also contained within an understanding of state technologies of abjectification which ‘differentially determin[e] the value of life, adjudicating on who is expendable and who is of worth’ (Tyler, 2013, p.46). State-led efforts to police the boundary of the moral economy – the national community – have made citizenship status the dividing line. Just as Agamben in a later text conceived of the loss of citizenship as the pre-condition for the *Homo Sacer*’s ‘bare life’ (human existence reduced to its biological minimum) (2000), Goodale (2016) argues that, since the events of 9/11 and the demise of the human rights era, citizenship is increasingly used to justify the moral exclusion of the other. Excluded from the moral economy of a nation state, non-citizens can therefore not expect to receive fair treatment or the recognition of their human rights.

According to Opotow et al., dehumanisation – described as ‘[d]enying others’ rights, entitlements, humanity and dignity’ (2005, p.306-7) – is one of the key symptoms of moral exclusion. Dehumanisation both explains the psychological process through which the boundary of the moral economy is established and describes the lived consequences for those placed outside the boundary. As a psychological process, dehumanisation allows for the positioning of an individual or group outside of the moral economy by justifying their moral exclusion. A dehumanised person is denied an individual ‘identity’; they are seen only as part of a collective other group that can be treated as a means to an end (Kelman, 1976).

In this chapter, we explore dehumanisation both as a symptom of moral exclusion and as the means by which sovereign political power, in this case the Dutch government, seeks to effect not only the moral but also the territorial exclusion of rejected asylum-seekers from the nation-state. Regarding the former, this chapter builds on studies which have sought to understand illegalisation, abjectification, and moral exclusion as an embodied state (Chavez, 2007; Gonzalez & Chavez, 2012; Willen, 2012), as well as a growing literature on the lived experiences of rejected asylum-seekers more specifically (see, for example, Bloch, 2014; Crawley et al., 2011; Kox et al., 2020; Schuster, 2011). Regarding the latter aim, we follow recent work by Vandevoort (2020) and Davies et al. (2017), whose studies of irregularised migrants in Calais and Brussels have demonstrated how the deliberate production of suffering and ‘bare life’ by EU Member States are ‘power technologies’ used to force migrants into compliance with the refugee regime. In this chapter, moral exclusion is likewise conceived as a bordering technology, whereby state practices of dehumanisation target migrant bodies in order to produce ‘deportable non-citizens’ (De Genova 2002, 2013).

### 5.3 Rejected asylum-seekers in the Netherlands

Upon receiving a negative decision on their asylum claim, rejected adult asylum-seekers in the Netherlands are given a return order which requires that they leave the country within 28 days. They are not allowed to remain in the reception centres for longer than this specified period. However, exceptions are sometimes made. For example, as per the European Convention on Human Rights (ECHR), the Netherlands does not deport families with children under the age of eighteen, so these families are housed in family centres for rejected asylum-seekers and their children are able to attend school. Rejected asylum-seeking unaccompanied minors (UAM) are entitled to a temporary residence permit if there is no option for safe reception in the country of origin (INDIAC, 2010). This permit is valid until the minor turns 18 years of age, at which time the individual is expected to return to their country of origin. With this permit, UAMs can attend regular Dutch school and are able to stay in Community Residential Groups (CRGs) with other UAMs where all their daily needs are provided for by the government.

Having received a return order, the rejected asylum-seeker can choose to engage in various options for assisted return. Assistance can include not only transportation to the country of origin, but also financial support, and vocational or business skills training. However, instead of engaging with an ‘Assisted Voluntary Return’ (AVR) programme, and as described by the interviewees for this study, many rejected Afghan asylum-seekers flee their reception centres in order to avoid being transferred to a detention centre from which they may be deported.
Rejected asylum-seekers’ irregular stay in the Netherlands has been a central domestic political issue over the past decade. Since the 1998 Benefits Entitlement Act, or ‘Linking Act’, irregularised migrants have been excluded from public services such as housing, financial assistance and education, and from access to the formal labour market. Exceptions are made for education for minors, medically-necessary healthcare, and legal aid. The Dutch government’s position has been that ‘irregular’ migrants must be excluded from social welfare and the labour market in order to effectively persuade them to return to their country of origin (Kos et al., 2016; Leerkes, 2016). This may also be understood in relation to broader policy efforts to reduce the costs of asylum-hosting, deter future arrivals, and ‘placate an increasingly anxious public’ (Bakker et al., 2016, p.119). However, faced with problems of homelessness and destitution among irregularised migrants who remain in their communities, municipalities and civil society actors have provided emergency assistance in the form of temporary accommodation, food and other basic assistance. The municipalities have argued that they are upholding their duty of care according to the Municipalities Act as well as their responsibility to maintain public order and safety (Van der Leun & Bouter, 2015).

The national government has long clashed with local municipalities over the provision of so-called ‘bed, bath, and bread’ to rejected asylum-seekers (Kos et al., 2016; Van der Leun & Bouter, 2015). In May 2007, the then Dutch State Secretary of Justice and the Association of Dutch Municipalities (VNG) signed an agreement to end local assistance to irregularised migrants in exchange for a more effective return policy. In 2007, the Dutch State Secretary of Justice offered an amnesty to more than 28,000 people who became regularised (Wijkhuis et al., 2011, cited in Van der Leun & Bouter, 2015). In addition, the Dutch Government further invested in return policies in order to effectively persuade them to return to their country of origin (Kos et al., 2016; Leerkes, 2016). This plan was not realised, but further developments since 2017 have seen renewed collaboration between the central government and municipalities on a pilot project for National Aliens Facilities (Landelijke Vreemdelingen Voorzieningen, LVVs). Since mid-2019, existing bed-bath-bread shelters in five Dutch municipalities (Amsterdam, Rotterdam, Utrecht, Eindhoven and Groningen) have been converted into LVVs that provide accommodation to irregularised migrants who cooperate in finding a ‘permanent solution’ for themselves: return, onwards migration, or, where possible, regularisation in the Netherlands. However, at the time of fieldwork in 2013-2014, rejected Afghan asylum-seekers were still subject to systematic exclusion from welfare assistance according to national policy, but benefited from the patchwork provision of municipality and civil society support. This provides the context for the data collected and presented below.

5.4 Research design and respondent overview

This chapter is based on semi-structured interviews conducted with 40 Afghan asylum-seekers who had all received a final negative decision on at least one asylum application in the Netherlands. The interviews were conducted within the framework of a project which investigated the broader migration decision-making and experiences of irregularised Afghan migrants in the Netherlands, based on 47 interviews with rejected asylum-seekers and 11 interviews with key stakeholders. This chapter, however, is more narrowly focussed on the interview data given by 40 rejected Afghan asylum-seekers. Seven of the respondents who were interviewed for the original research project were excluded from the analysis conducted for this chapter because they had only ever stayed in state accommodation or detention facilities and had therefore (not yet) been subject to national prohibitions on access to welfare.

Respondents were accessed through various entry points that included non-governmental organisations, informal networks of Afghans in the Netherlands, and the researchers’ own personal networks. Snowball sampling was used to identify Alston, who condemned the Dutch government’s position for its infringement of basic human rights (Dutch News, 2015).

The Dutch government chose not to comply with the ECSR’s non-binding ruling, arguing that their system of providing temporary accommodation in the state-run ‘Freedom Restricting Shelter’ (VBL) in ’Ter Apel to ‘irregular’ migrants who are willing to leave the Netherlands ensures that no ‘irregular’ migrant is ‘forced to live on the streets’ (ECSR, 2016). Nonetheless, the continuing ‘bed, bath, and bread’ debate nearly led to the collapse of the national coalition government in 2015, until a plan was agreed to set up further Pre-Removal Centres for temporary accommodation. This plan was not realised, but further developments since 2017 have seen renewed collaboration between the central government and municipalities on a pilot project for National Aliens Facilities (Landelijke Vreemdelingen Voorzieningen, LVVs).
further respondents. Interviews were conducted by an Iranian research assistant in
the respondents’ own language. Interviews were conducted in various locations at
the interviewees’ convenience, often in a public space such as a public library, church
or café, or where they were staying at a reception centre, Civil Society Organisation
(CSO) shelter, or at the home of a friend or family member.

Prior to each interview clear ethical guidelines were followed. Potential respondents
were informed that the interview team was unable to assist them with their asylum
case, that participation was entirely voluntary and that they could stop their
participation at any time, and that their confidentiality and anonymity were ensured.
Several respondents were willing to share their stories as they wished to support the
research and express the need for change. Each respondent was interviewed once.
The large majority of interviews were audio-recorded – detailed notes were taken
where consent for audio recording was not given. The audio recordings were then
simultaneously transcribed and translated into English. Transcriptions were coded
in Nvivo for analysis.

All respondents in the sample had applied for asylum in the Netherlands and at the
time of interview had received a final negative decision on at least one application.
More than half had submitted at least two asylum applications in the Netherlands.
Four respondents were classified as ‘1F’. So-called ‘1F’ status is given to certain
asylum applicants from Afghanistan and other countries who are suspected of having
committed war crimes or crimes against humanity. The application of this status to
Afghan asylum-seekers in the Netherlands has been highly controversial (see, for
example, Klaas, 2017).

The majority of respondents arrived in the Netherlands between 2008-2011 –
although the ‘1F’ respondents had arrived much earlier, in the late nineties and early
2000s. The majority of respondents were male with only two female respondents in
the sample and the average age of respondents was twenty-six years old, reflecting
the fact that the majority of respondents had arrived in the Netherlands as UAMs.
Between 2007-2014, UAMs represented on average 44% of asylum claims by Afghans
in the Netherlands (CBS, 2015). In our sample, 60% of the respondents were former
UAMs. The majority of respondents were uneducated with only 20% having completed
secondary education. More than half were from rural areas in Afghanistan. As has
been found in other studies of Afghan migrants in Europe (Dimitriadis, 2017), one
third of the respondents interviewed had spent substantial time living in Iran,
having either been born or having grown up there.

Regarding their situations at the time of interview, the majority of respondents (36)
were living irregularly in the community. For these respondents who had had to leave
state accommodation, CSOs provided a critical source of assistance (Van Meeteren,
2014). Of the 36 respondents living irregularly, approximately half were living in
temporary shelter provided by CSOs – including churches – and, occasionally,
by private citizens acting in a philanthropic capacity. Most commonly, these
respondents explained that they received housing support from the Dutch Refugee
Council (VWN). A couple of participants rented private accommodation – usually
a room which they shared with others with whom they split the rental costs, or for
which they were helped by VWN to cover the rent. In addition to accommodation,
VWN and other CSOs provided some respondents with a small allowance, access
to healthcare and other support. Others had requested accommodation from VWN
but had been turned away. It was not clear whether this was because VWN services
were over-capacity or because VWN was concerned not to violate national policy.
Outside of CSO support, a few respondents were living with their immediate family
members who did have legal status in the Netherlands, and many others had to
rely on friends and acquaintances to let them stay over for a few nights at a time –
or clandestinely in the rooms of other Afghan asylum-seekers who were still
accommodated in COA (Central Organization for Asylum-seekers) centres, or in the
homes of Afghan status-holders.

The remaining four respondents were living in reception centres run by COA at the
time of interview. These respondents had all received negative decisions on their
initial asylum applications but were applying for a second time. These respondents
are nonetheless included in the analysis because they had all spent time living
irregularly in the community between applications and had therefore also been
subject to national prohibitions on the provision of ‘bed, bath, and bread’.

5.5 Embodied state practices of dehumanisation

The following analysis focuses on the embodied consequences of the Dutch
government’s denial of ‘bed, bath and bread’ to rejected asylum-seekers. Other aspects
of (rejected) asylum-seekers’ experiences – such as prolonged periods of waiting for
da decision on their case, a lack of access to education or work opportunities, the
frustrations of language barriers and discrimination, and experiences of detention
and deportability – are not given explicit attention in the analysis below. This is
because, whilst highly relevant to the overall experiences of the people interviewed
(and to the experiences of other rejected asylum-seekers – see, for example, Bloch,
2014; Crawley et al., 2011; Kox, et al., 2020; Khosravi, 2020), these policy effects are
not directly attributable to the Dutch government’s non-provision of basic welfare.
5.5.1 Material deprivation and daily precarity
As a first and immediate result, respondents experienced daily uncertainty and difficulty meeting their basic needs in terms of food, shelter, and clothes. Often, periods of staying in a shelter or with friends were interspersed with nights sleeping rough when the respondents had exhausted their friends’ hospitality and could not find other shelter. When they arrived for the research interviews, some respondents were carrying their belongings with them because they were in-between places. Generally, the shelter provided by friends and by CSOs was time-limited. As Jawad, who had been living irregularly for more than a year, explained: ‘The longest time that my friends hosted me was one week, after one week they made an excuse to make me leave their place’. Similarly, awareness that they could at any time be asked to leave their CSO-provided accommodation or their friends’ homes was a source of acute anxiety for respondents. As Nassim, who had been living irregularly for six months, explained: ‘I am living on the street, if [the CSO] wants, they could kick me out of their place. Where could I go then?’

A small number of respondents had managed to find some casual, irregular work that allowed them to somewhat sustain themselves; others had not been able to find work that did not require them to have legal status. Many research participants were therefore living in poverty, relying on a very small stipend, on ad-hoc gifts from friends and acquaintances, or were simply borrowing clothes from, and sharing meals with, the friends or family with whom they stayed and who, unlike them, had access to a state allowance or income. The pain of enduring such material deprivation, and of being so disempowered to meet their own material needs, was illustrated by Emran, who had been living irregularly for five or six months, and who despaired: ‘I have nothing, whatever my friends offered me to eat, I would eat. It is very difficult for me.’

5.5.2 Social isolation and the degradation of relationships
As the preceding quote also suggests, enforced destitution had not only material effects, but also degraded and weakened respondents’ intimate relationships, including their own sense of self as well as connections with others. The material deprivation created by the denial of welfare support was a source of shame for the interviewees, particularly where their resulting dependency on others intensified their humiliation. Two interviewees spoke of their frustration that they were financially dependent on the (status-holder) family members that they were, according to cultural expectations, meant to be providing for. A few respondents had avoided telling their friends or families about their irregular status and destitute conditions, because of the indignity of their situations and in order not to burden their families with additional stress. For example, Hussain, who had been satisfied with his work and salary as a repairman in Afghanistan, and who had at the time of interview been living irregularly in the Netherlands for nine months, explained:

I cannot tell them [my family] that I am living in Europe but I sleep on the street, I cannot tell them I am living in Europe but I am searching for a euro anywhere. I am actually a beggar here while I am working because I ask people to let me work for them.

Similarly, others were ashamed to be so reliant on their friends for shelter, food, and even clothes, and longed for the dignity of self-sufficiency. As Zahir commented: ‘Even if your friend and your family want you to stay longer with them, you feel that you should not be there longer. [...] Gradually you would find changes in the way they look at you, the way they speak.’ Some respondents mentioned how this enforced dependence had indeed soured their relationships, as their friends sometimes avoided them, treated them differently, and, as described in one case, humiliated and took advantage of them:

I am not allowed to do anything while I am staying with my friends; I have to cook for them like my mother [would], shop for them, wash their clothes, I just have the right to sit next to them, if I do not do the housework, they will refuse to have me at their place, they say we are hosting you, you need to cook for us, the food must be ready when we come back home, I have to obey them because I am illegal (Azeem).

Two respondents had become particularly distrustful of any human interactions or offers of help.

Beyond these personal relationships, the denial of welfare support also created vulnerability to abuse and exploitation. Abdul, a former UAM, described being preyed on by someone who, he concluded, was trying to involve him in criminal activity. Two respondents discussed the exploitative labour practices they had endured because, without the legal right to work and no material assistance, they had little choice but to accept whatever working conditions and forms of remuneration they were offered.

5.5.3 Mental illness
The most visceral way in which state practices of dehumanisation were experienced by the rejected asylum-seekers was in the deterioration of their mental health. Although some of the psychological stress and trauma that respondents suffered stemmed
from their experiences prior to arriving in the Netherlands, their experiences of moral exclusion in the Netherlands in many cases clearly compounded or aggravated their mental ill-health. In addition to the stress of not knowing where they would sleep or find food, rejected asylum-seekers were often in a state of acute tension due to the uncertainty of not knowing what would happen to them, and their fears of receiving another negative decision, of arrest, detention and forced repatriation. Prior experiences of detention in the Netherlands also took a particularly heavy toll on respondents’ psychological wellbeing. As an example of the mental and physical strain that respondents experienced, Mohammad, who had been living irregularly for five or six months, reported:

My problem is that I do not know what will happen to my life. Now I am young, I need to have a place to live, I need to marry someone. This kind of living illegally is very bad. I cannot sleep at nights due to stress, I cannot even eat properly. I need to have money to cover my costs, […] I need to work and manage my life.

The inability to sleep was commonly reported. A large number of respondents had been referred to a psychologist and many had been or were taking sleeping pills and other medication to help manage the symptoms of their mental distress. A few had started to self-medicate with drugs and alcohol. Some respondents explained that their stress and anxiety manifested as physical health problems. Others reported a diminution of cognitive function, including the ability to focus, to express themselves clearly, or remember things. As Arman described: ‘I cannot concentrate and think about an issue, my thoughts are very scattered, I am confused and I cannot focus, I cannot communicate what I mean, I cannot express my voice.’ Similarly, some research participants observed that long-term stress and anxiety had changed their personalities. They perceived themselves as ‘mentally weak’ (Musa), as nervous and less able to control their emotions and behaviour and – commonly – as quick to anger.

At worst, the respondents’ deteriorating mental health led to suicidal ideation and, in a few cases, suicide attempts. These respondents explained their suicidal ideation or attempts in relation to their perceptions that they had no future and no hope, as further discussed below. For some interviewees, it was their departure from the camp, the pressure on them to accept repatriation, and their experiences of detention that pushed them towards suicide as a ‘release’.

5.6 Future plans and the prospect of return

Regarding the impacts of these embodied effects of state practices of dehumanisation on respondents’ decision-making, the first implication to note is the respondents’ lack of engagement with an imagined future. Combined with their lack of access to education or employment, and their generally poor mental health, the stresses of managing day-to-day made respondents feel that they were living ‘without a future’ (Abdul). As Amir described:

[…] your mind hangs sometimes, you do not [know] what will happen in the future, if this condition continues, if this is the future […] I left Afghanistan to save my life, now I am here and alive, in Afghanistan they kill you, but here your mind and soul will be killed, your future will be ruined.

This quote reflects the common perception among respondents that they had no life, and no future – rather, they often conceived their existence in the Netherlands as being neither dead nor alive, or as suffering a long, drawn-out death: ‘I am miserable now. In Afghanistan they kill you once and then everything is finished. But here I am experiencing death every day’ (Sami). In their study of irregularised migrants in the Netherlands, Kox et al. find similarly that rejected asylum-seekers feel particularly ‘perspectiveless’, which inhibits them from making plans for the future (2020, p.542).

Nonetheless, given the extreme suffering produced by state practices of dehumanisation, experienced and expressed as mental and physical deterioration, social isolation, indignity and hopelessness, it might seem logical that the respondents would cut their losses and accept return. This was emphatically not the case. Even those respondents who considered their life in the Netherlands to be equivalent to, or even worse than, death in Afghanistan did not consider returning to Afghanistan. Few respondents mentioned that they had ever considered returning, and had subsequently decided against it. The large majority of respondents were determined that they would never go back to Afghanistan or Iran:

If they wanted to deport me, they would have to kill me in the airport before sending me back to Afghanistan. I do not think of returning to Afghanistan even after 100 years. I need to be hopeful and fight to get status. I have to get along with the problems here (Jawad).

Return to Afghanistan was, as discussed above, commonly conceived as death. Respondents considered that to return to Afghanistan (or Iran, in the case of those who...
had grown up there, or whose family was there) would be to face the same problems that had motivated their departure in the first place, and that were deemed likely to result in their death. In addition to fears regarding persecution and conflict, some respondents explained that, given hostile structural conditions, and, for many, the lack of any family members or wider support networks left in Afghanistan or Iran, they considered it impossible to re-build a life there. For example, for Harun, it was a combination of both the high insecurity and the lack of any support structures that motivated his decision to stay in the Netherlands, even though he would prefer to live in Afghanistan if he could:

If I could return now, I would definitely go immediately but I cannot go back to Afghanistan. On one hand my life is at risk there, on the other hand, I do not have any family there. All my father’s enemies are in Afghanistan. I have been away from Afghanistan for several years. Return for me means death. I stay here just to save my life (Harun).

There were also a couple of respondents who had themselves received 1F status, but whose wives and/or children had been granted asylum in the Netherlands: any return for them would therefore also mean indefinite separation from their immediate family. A couple of other respondents considered that they had already been away too long and had become too used to life in the Netherlands to contemplate return. These respondents therefore expressed a kind of belonging and membership to Dutch society that contests their moral (and territorial) exclusion on the basis of formal non-citizenship (Gonzales & Sigona, 2017; Kox et al., 2020).

Respondents were, however, keenly aware of the pressure on them to leave the Netherlands. In many cases, respondents had left COA centres because, upon receiving a negative decision, they had been advised that, if they stayed, they could be arrested and forcibly returned. Return orders had been officially communicated via letters, phone calls, and meetings, while respondents were staying in reception centres, arrested or held in detention, living irregularly in the community, or at the end of court proceedings. Some participants had already resisted efforts to make them accept return when they were held in detention.

Respondents viewed these efforts to inform or persuade them that they must leave the Netherlands very negatively, as a source of acute stress. For example, as Mewa explained:

After the court they told me ‘ok this is just negative, your asylum seeking is terminated here. Now that makes you illegal here’. What should I do? In

Perhaps unsurprisingly, none of the respondents reported any willingness or efforts to cooperate with the officials pressuring them to return.

Instead, when asked about their future plans, the large majority of respondents were intending to stay in the Netherlands. For example, having already lived irregularly in the Netherlands for two years, Akram was very angry, distrustful, and ‘tired’. He described his life as ‘worthless’, and yet nonetheless conceived of his future in the Netherlands, even without status: ‘Of course it is difficult, but I have learned how to live under this situation’. Many other respondents were still hoping for regular status: they were either planning to submit a new asylum claim in the Netherlands, or were waiting for another decision by the Immigration and Naturalisation Service (IND), or for a decision on their appeal process. Some had seemingly exhausted their legal options in the Netherlands, but nevertheless intended to stay in the Netherlands and wait and see what would happen. Remaining in the Netherlands was therefore not necessarily an active decision based on a perceived pathway to legal status, but rather seemed, in some cases, to be determined by a lack of feasible alternatives. It was generally understood by respondents that they would be deported back to the Netherlands if they travelled to another EU country to seek asylum there – a few had already tried this and had been returned.

Some respondents therefore had no clear idea of what they would do – and those who were in the process of applying for asylum again seemed to avoid thinking about what they would do if they received another negative decision. Some considered that if they ran out of options in the Netherlands they might in the end try to apply in another EU country despite the risks of forced return to the Netherlands. The rejected Afghan asylum-seekers who participated in this study therefore seemed not to conceive of any point in the future at which they would be persuaded to accept repatriation. Instead, they clung onto hopes of a new asylum application or, more vaguely, to a sense that ‘something has to give’, as illustrated by Jawad when asked about what he would do: ‘I would continue fighting. I would stay here until I get my status. They have to grant asylum application to me. I spent five years of my life here’.

It is possible that, given the precarity of their situations, and in the context of a single interview conversation, some respondents may not have had sufficient trust
or willingness to speak with complete honesty about their reasons for leaving Iran or Afghanistan and their reasons for not wanting to return to either country. However, whatever their reasons or reservations, what is amply demonstrated through these conversations and through their situations at the time of the interview is the strength of the respondents’ resolve not to return to Afghanistan – an outcome that many had already actively resisted or, as described above, made painful sacrifices to avoid.

5.7 Discussion and conclusion

Although contested by municipalities and civil society, who seek to include rejected asylum-seekers within the moral economy through the provision of basic welfare, national policy to deny ‘bed, bath and bread’ has clear, degrading effects on the daily material existence, emotional lives and intimate relationships of rejected Afghan asylum-seekers in the Netherlands. The anguish of extreme precarity was written into respondents’ minds and bodies, as they suffered severe psychological stress, lost the ability to meet their own basic needs, or to control their emotions and behaviour. Respondents’ social relationships in the private sphere were undermined by the shame of their material deprivation and enforced dependence, which also left them vulnerable to abuse and exploitation. In extreme but not uncommon cases, respondents came to inflict violence on themselves, seeing themselves as worthless or expendable in a way that reflects – and indeed, both performs and accomplishes – state practices of dehumanisation and moral exclusion.

The embodied effects of the Dutch government’s policy are meant to induce decisions to return. However, the results clearly demonstrate the extent of the rejected asylum-seekers’ resistance to return, even in situations of extreme vulnerability, distress, and hopelessness. The interviewees refused to contemplate return, mostly due to their fears of returning to either Afghanistan or Iran. Respondents preferred instead to face the challenges of irregularised life in the Netherlands. Some seemed to have largely lost hope, but many clung on to the idea that some way or somehow they would be granted legal status in the Netherlands (or in a third country).

Indeed, it would seem reasonable to conclude that the state’s objective to encourage return is in fact undermined by the material deprivation, social isolation, and mental illness that dehumanising bordering practices produce. As illustrated above, the stress of daily precarity seemed to trap rejected Afghan asylum-seekers in a mental state oriented to day-to-day survival, in a perpetual present without definite end or imaginable future. As Fazlullah described: ‘Honestly since I became illegal, I forgot my dreams; I used to have many plans and dreams for the future. Since I became illegal, I just think about today not tomorrow.’ Farhad described his diminished capabilities and resilience: ‘In 2008, I was another man, I have changed a lot, I am weaker now because of the pressure of mental problems, lack of money, and uncertain situation.’ Given the well-known and acute difficulties which returnees face in Afghanistan (Schuster & Majidi, 2013; Sajjad, 2018), it is unsurprising that rejected Afghan asylum-seekers are unwilling to assume the risks and challenges of re-building a life in Afghanistan, particularly when their financial, social and mental resources are so depleted by exclusionary policies. A link between poor (mental) health and resistance to return is similarly suggested by Leerkes, Galloway, and Kromhout (2010) in their study of rejected asylum-seekers and former asylum status-holders in the Netherlands.

We do not, however, argue that the provision of basic welfare and support for mental health would or should facilitate readiness for return among rejected Afghan asylum-seekers. Recent policy developments in the Netherlands have seen the expansion of shelter and counselling for rejected asylum-seekers who cooperate with return proceedings or in finding another long-term solution. Yet, at the same time, conditions in Afghanistan have further deteriorated, particularly regarding access to food and medical care. Rejected Afghan asylum-seekers continue to have strong reasons to resist return and will continue to endure dehumanising conditions in order to avoid repatriation. Although this chapter does not include the decision-making of rejected Afghan asylum-seekers who have returned to Afghanistan, other analyses show that the proportion of rejected Afghan asylum seekers who do accept assisted return from the Netherlands is very low (Leerkes et al., 2014), as is the overall rate of returns for irregularised Afghans from the EU (European Court of Auditors, 2021).

This chapter makes two contributions to an understanding of the geopolitics of return. First, our analysis of both experiences and decision-making foregrounds the subjectivity of rejected asylum-seekers who resist management or manipulation by state bordering practices and inter-state agreements such as the Joint Way Forward. Despite the debilitating effects of Dutch policy, the respondents’ stubborn non-compliance with return procedures presents an effective challenge to both their moral and territorial exclusion by sovereign political power. In this case study, we can therefore see resistance to return in the same terms as the ‘disobedient movements’ of irregular border crossings that Stierl analyses as ‘migratory excess’ (2019, p.91). For Stierl, such everyday struggles of resistance may not claim visibility, a collective voice or political manifesto, but are nonetheless political – a ‘politics of escape’ enacted as ‘moments of freedom’ from – and in defiance to – governmental migration management, even if they never ‘twist fully loose’ from the state’s regime.
Second, the results demonstrate that dehumanisation does not facilitate an effective returns policy. The analysis affirms the ECSR’s 2015 ruling that Dutch policy violates rejected asylum-seekers’ fundamental rights and ‘human dignity’ and finds that these (morally repugnant) policy outcomes do not have the desired instrumental effects on increasing returns. The case study thereby adds further weight to arguments that rejected asylum-seekers’ willingness to return does not increase when they are in situations of destitution. The acute human costs of such a policy therefore cannot be justified on the basis of gains in the return rate. In the Netherlands as elsewhere, the national government should support municipalities in providing the basic human rights of food and shelter to rejected asylum-seekers on a regular and continuing basis. The return of rejected asylum-seekers must be treated as a separate issue from that of ensuring basic welfare, and the recognition of their human rights should not be conditional on their acceptance of return.

References


CHAPTER 6

Information and Uncertainty in the Decision-making of Albanian Asylum-seekers
6.1 Introduction

In light of the high probability of a negative decision, asylum-seeking among Albanian nationals would seem a generally fruitless endeavour. As the number of first-time asylum applicants from Albania in the EU28 grew steadily from 615 in 2008 to 16,145 in 2014, EU recognition rates averaged 10.7 percent (Eurostat, 2021, 2022). In 2015, when the number of applications peaked sharply at 66,145 – making Albanian nationals the fifth-largest asylum-seeking group in the EU – the recognition rate fell to 2.6 percent and was even lower in Germany (0.2%) where the large majority of Albanians submitted their claims (Eurostat, 2021, 2022).

Various explanations have been offered for the prevalence of asylum-seeking among Albanians between 2015-2016 in spite of the low prospects for obtaining asylum and the resulting high risk of an enforced return. On the one hand, analysis has suggested the role of misinformation in migration decisions based on rumours among social networks and in the media that Germany was looking to recruit foreign labour (Barbaja & Barbaja, 2015; Hackaj et al., 2016; Vathi & Zajmi, 2017). On the other hand, the decision to seek asylum has been understood to be a strategic cost-benefit calculation whereby Albanian nationals have sought to take advantage of the low costs of migration to EU member states – namely, Germany – in order to benefit from generous welfare benefits paid out over many months due to slow asylum processing times (BAMF cited in Beworder, 2015; EASO, 2013, 2015; Guichard, 2020; Hackaj et al., 2016). Alternatively, Albanian asylum-seeking has been seen as an irrational decision taken in desperation by those living in poverty, for whom ‘the instinct for survival is stronger than the power of reason’ as reported by Balkan Insight, 2016). Other analyses similarly emphasise the significance of even short-term relief from desperate conditions in Albania, and of access to healthcare via the asylum system (Forschungsbereich des Sachverständigenrat deutscher Stiftungen für Integration und Migration, cited in Bither & Ziebarth, 2018; EASO, 2015).

Concerned and apparently baffled by the enduring persistence of Albanian asylum-seeking – although at much lower levels since 2016 – the European Commission has called on Albania to identify and address the ‘underlying reasons’ for these ‘unfounded’ asylum applications (2020, p. 5). In addition to strengthening border controls, policy responses introduced to deter asylum-seeking by Albanian nationals have focussed on two approaches. The first has been to accelerate the asylum procedure and to reduce the support available to Albanian asylum-seekers. The logic of such measures rests on the assumption that asylum-seekers are well-informed about the asylum system and reception conditions in potential countries of destination and so will be deterred from seeking asylum there if conditions become unfavourable. The second response has been to implement information campaigns designed to raise awareness of the non-viability of asylum-seeking and of the costs and risks of irregularised migration, and to promote alternative pathways. This strategy reflects the view that Albanian nationals migrate on the basis of a misinformed or poor understanding of asylum and other migration channels and assumes that the provision of accurate information can alter decision-making.

In light of these policy concerns and efforts, this chapter examines the migration decision-making of Albanian asylum-seekers, and how their decision-making has responded to information and uncertainty. The analysis is based on interviews conducted with 46 Albanian nationals who applied for asylum in Germany between 2014 and 2017, as well as key stakeholder interviews. The analysis focusses, first, on the motivations and expectations of Albanian asylum-seekers upon departure. Second, it seeks to understand how their decision-making has (and has not) responded to uncertainty and information over the course of their migration trajectory, as they have sought to achieve their migration objectives and manage the associated (potential) costs and benefits of asylum-seeking. Decision-making is analysed at three stages – at the initial decision to migrate; in the country of destination; and following return to Albania. This chapter therefore contributes to the hitherto limited study of Albanian asylum-seeking in the past decade (Gëdeshi and King, 2022) and offers evidence to clarify understandings of: i) the ‘underlying reasons’ for Albanian asylum-seeking; ii) the role of information in the decision-making of Albanian asylum-seekers; and iii) the potential impacts of policy interventions on decision-making.

6.2 Information in migration decisions

Interest in understanding the role of information in the decision-making of asylum-seekers and irregularised migrants has been driven largely by policymaker concerns to defer arrivals. In recent decades, as governments have sought to reduce incoming asylum applications (whether well-founded or not), there have been two contrasting assumptions underpinning policy interventions. The first is that migrants make well-informed decisions regarding which potential destination country to head for and that policy measures to restrict entitlements for asylum-seekers and irregularised migrants will therefore deter further arrivals (Crawley, 2010; Gilbert & Koser, 2006; Richardson, 2010). By contrast, the second sees migrants as insufficiently informed about the risks of the (irregularised) journey and about the reality of conditions in potential destination countries. This view underlies the proliferation of information...
campaigns following the logic that, by providing accurate information, potential migrants can be deterred from undertaking irregularised migration (Tjaden & Dunsch, 2021; van Bemmel, 2020). Against this background, the following section summarises the available evidence.

The assumptions of neo-classical migration theory – that migration decisions are made on the basis of comprehensive information about conditions and opportunities in potential destination countries – have been discarded in favour of an acknowledgement of the partial knowledge and persistent uncertainty that underlie decisions to migrate (Mallett & Hagen-Zanker, 2019; Williams & Baláž, 2012). Potential migrants have imperfect knowledge both about current conditions in the place of origin and possible destinations, and about how conditions may change in the future (Williams & Baláž, 2012). The extent of knowledge that an individual has at their disposal may, however, vary substantially. For example, while Belloni (2016) concludes that Eritrean asylum-seekers in Italy are ‘fairly well informed about national and European refugee policies’ (p.109), Crawley (2010) found that ‘very few’ of the refugees and asylum-seekers she interviewed in the UK ‘had any detailed or meaningful knowledge of the UK asylum system’ prior to arrival (p.6). In-depth and comparative research is lacking, but awareness likely varies according to variables such as the migrant’s age, education, access to information communication technology (ICT), social networks, and where in their migration trajectory they are – for example, new information may be gathered in places of transit (Brekke & Brochmann, 2015; Crawley, 2010).

Particularly in an irregularised migration context, where state policies and practices often shift quickly, and the one does not necessarily reflect the other, accurate and up-to-date information may be hard to come by (Chapter 4; Mandić & Simpson, 2017). Studies have found that migrants often rely largely on information from their direct social networks – friends and family, acquaintances who have gone before them, and smugglers in whom they have (some) trust (Brekke & Beyer, 2019; Mallett & Hagen-Zanker, 2019). But friends and family may not be well-informed, and even those who migrated earlier may not provide full and accurate information to those coming later. Policies may have changed in the interim, and migrants may relate a ‘sugarcoat[ed] version of their own experiences, or may simply not include a piece of information that they do not consider relevant to the decision-making of others (Brekke & Brochmann, 2015, p. 155; Crawley, 2012; Richardson, 2010). Similarly, the smugglers on whom some migrants rely for information may intentionally foster misconceptions where they have a commercial interest in encouraging certain decisions (Crawley, 2010; Fleay et al., 2016; Mandić & Simpson, 2017). Migration decisions may also be based on the more ‘diffuse rumours’ that circulate particularly among communities with strong aspirations for (onwards) migration (Brekke & Brochmann, 2015, p. 155; Hagen-Zanker & Mallett, 2022).

Moreover, even where accurate information is available, migrants may ignore or dismiss information if it is considered inaccurate, unhelpful, or irrelevant. Studies which focus in particular on decision-making in the context of high-risk irregularised journeys have found that (potential) migrants dismiss risk information if they do not believe it applies to them specifically, if the information does not conform with their existing understanding, or if they judge that the source of the information does not have their best interests at heart (Fiedler, 2020; Hernández-Carretero & Carling, 2012; van Bemmel, 2020). Studies also emphasise that, even where migrants are keenly aware of the risks posed by migration, these may be accepted because the perceived costs or risks of staying are deemed too high (Brekke & Beyer, 2019; Hernández-Carretero & Carling, 2012; Richardson, 2010; van Bemmel, 2020). This rationale for risk-taking has been explained as a response to vulnerability, where a high-risk course of action is pursued in a bid to escape an unbearable situation and because the individual perceives no reasonable alternative (Hayenhjelm, 2006). In such situations, where ‘agency becomes minimal or is characterised by juggling competing high risks which are largely beyond one’s control’ (Zinn, 2019, p. 4), the role of hope as a motivating factor becomes critical (Hayenhjelm, 2006).

6.3 Data and methods
The present study draws on 46 in-depth interviews with Albanian nationals who sought asylum in Germany, and ten interviews conducted with governmental, inter-governmental, and civil society experts involved in supporting return and reintegration in Albania. Because these key stakeholder interviews focussed largely on Albanian asylum-seekers’ post-return experiences, these interviews are drawn on towards the end of the (chronologically structured) analysis. Fieldwork was conducted by the author in Albania in January 2020. All interviews were conducted in person, with the assistance of Dr. Ilir Gëdeshi who also acted as interpreter. The sampling strategy for the returnee interviews was necessarily based on a combination of purposive, convenience and snowball sampling, given the lack of a comprehensive register of returned migrants. Recruitment relied largely on re-contacting respondents to a previous survey who had consented to further contact, snowballing from these contacts, and, to a lesser extent, pursuing contacts via a
non-governmental gatekeeper. The sampling strategy sought to include balanced representation in terms of gender, geographic dispersion (across geographic regions, and urban/rural settings), ethnicity and mode of return (assisted return versus deportation).

Interviews were conducted in eight areas of Albania – mainly in the centre and north. The interviews generally lasted 30 to 90 minutes, and were conducted at the respondent’s convenience, usually in a public location, such as a café, or in their home or workplace. Strict research ethics protocols were followed, including the need for informed consent (given verbally by migrant interviewees, and in writing by key stakeholders). Interviews were voice-recorded, where consent for this was given (in two interviews detailed notes were taken instead) and later transcribed and translated into English. The transcripts (and notes) were systematically coded in Nvivo, taking an inductive approach.

The 46 returnee interviews were conducted with Albanian nationals who sought asylum in Germany between 2014 and 2017, and who subsequently returned to Albania via either assisted return or deportation between 2014 and 2018. The large majority (34) sought asylum between 2014 and 2015; a further nine sought asylum in 2016, and two in 2017. After their first return, six respondents sought asylum in Germany again between 2017 and 2018. At the time of their first asylum application in Germany, the respondents were between 13 and 62 years old; the average (mode) age was 33, the median age was 30. The large majority of respondents (39) were married (or engaged); and the large majority sought asylum with one or more immediate family members – most often their spouse, and children, if they had any (some women travelled whilst pregnant), but family groups also included a third generation in some cases, as well as extended family members such as adult siblings, nieces and nephews. Only four respondents sought asylum alone (and one travelled only with members of his extended family). It is not possible to know how representative the sample is of the overall population of Albanians who sought asylum in Germany. The sample is balanced in terms of gender: 22 women and 24 men were interviewed, but these interviews were often conducted in a family setting; and in some interviews, both spouses participated, having migrated together. Despite substantial efforts to achieve a balance between ethnic backgrounds, the sample seems to disproportionately represent people from Roma and Egyptian communities (20 percent and 13 percent respectively). Roma and Egyptians make up much smaller proportions of the total Albanian population at less than 2 percent of the overall population, but also seem to be over-represented in Albanian asylum flows to Germany (INSTAT/CESS, 2020).

## 6.4 Introduction to Albanian asylum-seeking

The growth in Albanian asylum-seeking – which peaked sharply in 2015 – has been understood as a consequence of the 2008 global financial crisis. The hollowing-out of economic opportunities in Greece and Italy – where the largest share of Albanian migrants have sought work in recent decades – led to increased pressure on the Albanian labour market and created demand for alternative livelihood strategies (INSTAT/CESS, 2020). Asylum migration, facilitated by the visa-free access to the EU that Albanian nationals have had since 2010, offered such an alternative. Germany received the largest share of Albanian asylum applications: 81% of all first-time applications in the EU28 in 2015 (Eurostat, 2022).

As mentioned, only a very small fraction of Albanian asylum-seekers has been granted protection in the EU. However, by virtue of the overland and visa-free access that Albanians have to the EU, their journeys are relatively safe and inexpensive. According to the respondents interviewed for this study, they typically arrived in Germany within two days (by taxi, minibus, train and airplane) and paid on average approximately 260 Euros per person (although the costs of obtaining passports were an additional expense in some cases). The large majority of respondents had to borrow money to cover these costs – usually informal loans from family or friends. A few respondents had sold personal assets – which included their jewellery, furniture, car, agricultural land, livestock and equipment. Because very few interviewees had formal or regular work before migrating, very few risked losing a stable income. In general, the interviewees’ investments in their migration projects were relatively low, and many respondents were able to recoup these costs by saving part of the money they received as a subsistence allowance in Germany (or from their formal or informal work there). However, this was not the case for all interviewees, whose ‘failed’ migration projects incurred substantial costs. Many did not manage to pay off their debts or recover assets sold to finance their migration. As one man lamented: ‘I sold the [business] here and I paid the lawyers there in Germany. So basically we went with money and we returned without money’ (Arjan). Some interviewees were further disadvantaged by the EU entry bans imposed following their return from Germany, which prevented them from re-entering the EU for work, study, or to visit family. Albanian asylum-seekers have also faced difficulties ‘reintegrating’ upon their return to Albania – although the extent to which they were ‘integrated’ in the first place should also be questioned (see Dubow et al., 2021; and Dubow & Kuschminder, 2021). Asylum-seeking has therefore not been risk-free for Albanians.

Deterrence measures introduced by Germany (and likewise by other EU destination countries (EASO, 2015)) have also sought to make asylum-seeking a higher-risk...
venture for Western Balkan nationals. In Germany, policies introduced from October 2015 onwards sought to accelerate the asylum procedure, reduce cash assistance during the asylum procedure (in-kind subsistence support was to be provided instead), and increase the penalties for asylum-seeking by imposing temporary re-entry bans on claimants whose applications are judged ‘manifestly ill-founded’ (EMN/ BAMF, 2016). These measures shortened the length of time Albanian asylum-seekers stayed in Germany and diminished their ability to put money aside as savings, as observed in the present sample of interview accounts. Those who migrated in October 2015 or earlier spent on average 18 months in Germany; those who migrated after October 2015 (including instances of second-time asylum-seeking) spent on average 8 months in Germany. Interview data on money saved in Germany was less systematically collected but it is indicative that a majority of pre-October 2015 arrivals managed to send back and/or return with money saved (approximately 62%), compared to only around 30% of those who sought asylum in Germany post-October 2015.

In 2015, the German Embassy also ran an information campaign in Albanian newspapers, warning potential migrants that there would be ‘no economic asylum in Germany’ (Der Tagesspiegel, 2015). More recent information campaigns have also been run by the EU, International Organization for Migration (IOM), and the Albanian, Belgian and Dutch governments. Germany has also sought to re-route potential asylum-seekers from Albania and other Western Balkan countries into legal labour migration channels via the 2015 ‘Western Balkan Regulation’ which opened up labour market opportunities for Western Balkan nationals of all skill levels (Bither & Ziebarth, 2018).

6.5 Decision-making over the course of asylum-seeking trajectories

Having set out this context, the following sections present an analysis of the decision-making of Albanian asylum-seekers over the course of their trajectories. The analysis examines, first, the respondents’ initial motivations to seek asylum; second, the role of information in their decision-making at the point of departure from Albania; third, their evolving expectations and decision-making in Germany; and lastly, following their return to Albania, how their aspirations and intentions for future migration were shaped by their experiences of asylum-seeking.

6.5.1 Motivations to seek asylum in Germany

The interviewees reported various motivations to migrate, but nearly all cited economic challenges. The large majority had no regular work in Albania prior to migrating, and therefore relied on collecting scrap metal and plastic, selling second-hand clothes, doing sporadic construction, agricultural and carpentry jobs, and/or seasonal work in Greece. Most interviewees described struggling to make ends meet – or, if they were precariously coping – to make any progress in life or provide better for their children. Although economic motivations dominated, most interviewees gave multiple reasons for wanting to leave, which included wanting better opportunities for their children’s education and future; access to healthcare (for themselves or a family member); and/or to escape from family or community tensions and insecurity, such as inter-family conflict, blood feuds, or discrimination. These challenges should be understood as interrelated and sometimes mutually reinforcing. For example, economic difficulties were also often at the root of, or contributing to, problems such as intra-family disagreements and barriers to healthcare; likewise, health issues undermined household economies.

In terms of what they hoped to achieve through migration, interviewees most often mentioned their expectations of finding work in Germany. For example, Gerti, who left in 2016, explained:

_I had heard that many people had gone there and have been able to secure a work contract. I also know some cousins’ parents who were already in Germany. They told me that people can live better there, find a job, and this motivated me to go to Germany._

Another commonly-held expectation was that Germany would offer good reception conditions and welfare support. As one man who left in 2014 described: ‘Germany was one of the most powerful countries in Europe according to news we heard. They treated asylum-seekers nicely and they also gave an amount of money to them, around 300 euro per person’ (Sead). Access to a better education for their children and, in some cases, the opportunity to learn a trade or profession in Germany were also frequently discussed. Lastly, access to healthcare that was either unavailable or unaffordable in Albania – or considered a much higher quality in Germany – was a primary motivation for some families. Overall, the interviewees often seemed to perceive conditions in Germany as offering a full package of support and opportunities that would enable them and their families to live secure and meaningful lives, which they perceived as unattainable in Albania. For example, Enad, who left in 2016, explained that he had heard from others that ‘when it comes to work, you work there. School, education, a system, to be honest, a system for the citizen to feel reassured.’

In contrast to accounts which have given primary emphasis to the German welfare system as a ‘pull factor’ for Albanian asylum-seekers anticipating their eventual
return, the majority of respondents interviewed in this study were hoping to stay permanently in Germany, and to find work there. It is also the case that a small number of interviewees migrated in order to achieve shorter-term goals in Germany – access to healthcare or the accumulation of savings with which to improve their conditions in Albania. However, these respondents were in the minority, and some hoped nevertheless to be allowed to stay in Germany.

6.5.2 The role of information in the decision to leave

In terms of the information on which these expectations were based, the largest number of interviewees had obtained their information directly from other Albanian nationals who were either in Germany at the time or had already returned. Notably, even those migrants who had been returned to Albania seemed to contribute to sustaining hopes that others might be successful as asylum-seekers. For example, Enad explained that when he and his family left Albania in 2016 he had heard ‘from the ones who came back, who said it was very good, and it was quiet. And if you had an opportunity, if you were a professional, you could find work’. Sometimes the chain of communication was less direct – interviewees received information from the relatives or other acquaintances of those who had gone to Germany.

Several interviewees seemed to base their decisions largely on hearsay or rumours that circulated within their communities. For example, as Tualant, who left in 2015, explained, ‘we heard a lot when sitting in bars or from the social media’. A few interviewees also mentioned traditional media sources such as newspapers and television, but these sources seemed to be much less commonly relied on, and, as one interviewee highlighted, considered less trustworthy than direct personal contacts. Different information behaviours were also evident. Whilst some interviewees seemed to actively seek information about Germany (and sometimes about alternative destinations, such as France) – largely from their personal contacts – others seemed to more receive information more passively. Most respondents had some general or specific information about (reception) conditions and the asylum system in Germany, but in a couple of cases the decision to migrate seemed to be based on very little information at all. It is not clear whether these differences in knowledge and behaviour are due primarily to differing personality and attitudinal characteristics, or to differences between social networks which afforded some interviewees better access to information than others. Across the sample, there is no clear indication that those who sought asylum for the first time in later years had better information than those who left earlier on.

In some cases, hopes for settlement in Germany seemed to be based on a poor understanding of the asylum system, residence requirements, and rights to labour market participation in Germany. As one man who left Albania in June 2015 reflected retrospectively:

> If I actually knew that it was an asylum, I would not have sought asylum. It would have been much better if I asked immediately for a job than seeking asylum. [Laugh] I didn’t know it was an asylum. We weren’t informed. We didn’t know much about life (Endri).

A few respondents expected that asylum would be granted for economic or other humanitarian reasons. More often than not, however, respondents had some level of awareness that they might not be granted asylum and would have to return to Albania. Sometimes this was acknowledged as a probable outcome, rather than only a possibility: ‘We went to Germany knowing that it was likely that we would be returned but we hoped we would find a good lawyer to help us stay’ (Emira). The use of lawyers in pursuing claims is further discussed below.

It is clear that, even where it was acknowledged, the likelihood of return did not deter the respondents from seeking asylum. There seems to be different explanations for this. First, for the minority of respondents who hoped first and foremost to achieve short-term objectives during the asylum procedure (access to healthcare or the accumulation of savings), the prospect of a forced return did not necessarily jeopardise these aims. It is possible that a larger number of respondents – including those who primarily hoped to stay in Germany indefinitely – considered return an undesirable but not disastrous outcome. That is, if they were confident that they would be able to recoup their financial outlay by making savings from their expected welfare benefits in Germany, they may not have considered the prospect of return a severely negative outcome – and therefore not a real risk, in Zinn’s (2019) terms. However, this type of calculation was not described by these interviewees. It may be that respondents avoided mentioning this so as to avoid appearing strategic or scheming, but the interviewees were in general frank about their economic considerations and behaviours.

Rather, when discussing the possibility of a forced return to Albania, what emerged clearly across the interviews was the strong motivating role of hope, as well as the urge to try one’s own luck. In some cases, reflecting the notion of risk-taking as a response to vulnerability (Hayenhjelm, 2006), respondents considered their situations in Albania as both intolerable and hopeless, and therefore invested hope in asylum-seeking as their only prospect of a better future. For example, Ervis, who
was unable to work due to chronic illness, felt compelled to try asylum-seeking as the only way to overcome the challenges his family faced in Albania:

We had heard many things such as some being returned by force, some voluntarily. My economic condition here was so bad that I needed to go. I had also the loan at the bank for the house that we are living in. I needed to take the risk.

In other cases, the decision to migrate was not driven to the same extent by desperation, but hope similarly placed in the possibility of a radically better future motivated interviewees to try their luck. As some explained:

We were told that people are treated very nice. Life is better. We had heard also of the difficulties and the possibility of returning but we wanted to take our chances (Jorida)

I was just afraid that we would be forced to return. We were trying our luck! (Ledia)

I knew the difficulties, but I wanted to take my chances. I was curious too (Altin)

As the last quote suggests, for a few respondents, curiosity seems to have been a motivating emotion: faced with uncertainty, but enthralled by possibility, some respondents felt an urge to see for themselves what the future might hold in Germany. As Ermonela emphasised: ‘I wanted to try it. I wanted to see it with my eyes’. This itch to try one’s chances in Germany seems to have been furthermore stirred by the collective and social dimensions of hope, by which social networks and collective imaginaries – in this case, of life in Germany – make a certain version of the future thinkable and worth pursuing (Kleist, 2017). Several respondents explained that they had family or friends in Germany (seemingly still in the asylum procedure themselves) who strongly encouraged the respondents to join them. Others explained that they were inspired by seeing or hearing of friends and acquaintances leave:

I got the information from other people that went there. For example, I was told by my neighbour. He bought the ticket and went there. So, we just thought, let’s do the same (Gazmen).

The sense that ‘many people’ or ‘everyone’ was leaving for Germany seems therefore to have emboldened respondents, and perhaps normalised the decision to seek asylum in Germany.

### 6.5.3 The role of information in decisions made in Germany

Very few respondents reported efforts by the German authorities to manage their expectations of the asylum process and to prepare them for the likelihood of return; it is not clear whether such information was not communicated, or whether the respondents were unwilling to engage with or acknowledge such messaging. Most interviewees said that, prior to receiving the negative decision on their case, they had received no information about their asylum application and prospect of return. However, information circulated among asylum-seekers themselves, and many interviewees saw or heard about other Albanians who had received negative decisions and been returned. During the asylum procedure in Germany, there were two key points at which the respondents’ decision-making could shape the costs and benefits of their migration: first, during the asylum procedure and, second, regarding their options post-negative decision. This section analyses the ways in which respondents responded to uncertainty and (new) information at these junctures.

First, prior to receiving a (final) negative decision, some respondents continued to hope or expect a positive decision on their case. Others, in contrast, assimilated new information on the likelihood of return, and adjusted their expectations. As Endri explained: ‘The moment I went there I saw how things were. I knew I was going to be sent back. No one would allow me to stay there for economic reasons. Every day I expected to be sent back’. In some cases, these revised expectations prompted preparation for return through the accumulation of savings. As one man, who was receiving welfare benefits and had worked both voluntarily and informally in Germany, explained:

Firstly, I thought of staying in Germany forever with my family. Although, when the negative decisions were very common among the Albanians we tried to save. We also saved from the money we had for food. We ate less to save money (Sead).

Second, upon the receipt of a negative decision, respondents had to decide whether to: i) depart ‘voluntarily’ (i.e. through an assisted return programme; ii) risk deportation; or iii) appeal the decision on their case. The large majority of respondents accepted assisted return either without appealing, or upon receipt of a second negative decision. As I discuss in Chapter 7, they were generally well informed – both by asylum officials and other migrants – about the costs of not accepting assisted return; namely, the imposition of an EU entry ban that would prohibit future mobility, in addition to the shock and stress of deportation. These costs strongly motivated decisions to accept assisted return. The concrete threat of deportation – communicated through official sources as well as via other asylum-seekers – therefore seemed to be largely accepted by respondents.
As for appealing the decision on their case, some respondents explained that, even if they had wanted to, they could not afford the lawyer’s fees; others had heard that it would be a pointless expense. As Aurela explained: ‘the others that took a lawyer paid a lot of money without any result. […] we had already heard that those people who hired a lawyer never had a positive answer, so we decided not to object.’ By accepting new information on the risks of hiring a lawyer, these respondents therefore avoided wasting further investments in their migration project. By contrast, sixteen respondents did hire a lawyer to appeal their cases. Some of these respondents had pregnancies or medical needs which they thought might be considered grounds to allow them to stay in Germany – not necessarily indefinitely, but at least for some months, which they often considered better than returning to Albania.

While some families benefitted from additional time granted through appeal – for example, in the case of a woman who finally received a diagnosis for her epilepsy, which required tests that her family had never been able to afford in Albania – for others, the appeals process was gambled in vain. The costs included the money spent on the legal fees and, in some cases, the above-mentioned costs of deportation (which also included, in some cases, confiscation of any money saved). Some of these respondents were not aware that, in their cases (judged ‘manifestly unfounded’), the appeal process did not automatically suspend the removal order, and they were therefore shocked to find themselves unexpectedly deported.

Confusion and misinformation regarding the appeals process and removal order created avoidable costs for these respondents. Three of these respondents felt misled by their lawyers who, to their knowledge, did not warn them of their possible or imminent deportation, or even reassured them that they should not worry about a negative outcome on their case. It is possible that these respondents misunderstood the information given to them by their lawyers or misunderstood their lawyer’s role or the appeals process. However, as in the cases below, it seems that inadequate or inaccurate information was provided to some respondents who, moreover, would have chosen to accept assisted return had they known that they would otherwise be deported at this point:

\[I\text{ asked my lawyer whether the police would come and take me by force but he told me not to worry about it because they would not come. If I had known that I would have returned voluntarily.} \text{(Jorida)}\]

\[\text{We paid the lawyer } 80 \text{ euros every month and he told us not to worry because my husband was working a formal job and for this reason we believed we would stay.} \text{(…)} \text{Since the lawyer knew the legislation it would have been better just to have said that we needed to leave without the police coming.} \text{(Flutra)}\]

6.5.4 The role of information in decision-making upon return

Upon their return to Albania, the interviewees had accumulated direct experience of conditions in Germany and of their prospects within the asylum system. This section examines how, in light of this new information, attitudes towards further asylum-seeking both did and did not change. It is firstly important to note that, apart from a few respondents for whom the outcomes of their initial asylum-seeking were either significantly positive or negative (for example, if the healthcare they received or money they had saved or lost had a substantial effect on their quality of life), interviewees largely returned to the same conditions they had left. With their challenges unresolved, re-migration aspirations remained high.

Nevertheless, the return migrants’ aspirations had largely re-oriented towards labour migration – primarily in Germany, where many hoped to secure a work contract (as also reported by Hackaj et al., 2016). Many of the key stakeholders interviewed similarly emphasised that return migrants (and other Albanians) have re-focussed their migration intentions on labour migration: ‘now they understand or they are aware that if they want to migrate they have to do it legally’ (INGO representative). In pursuit of this objective, return migrants were observed to be investing in vocational and other qualifications that would be valued in the German labour market. As the director of a regional employment office described: ‘they’ve chosen this training in order to then seek a work contract in Germany, particularly, or other EU countries.’

Of the 38 respondents with re-migration aspirations, more than half stated that they would not seek asylum again – similar findings are reported by INSTAT/CESS (2020). This was for a combination of reasons which included: the low likelihood of being granted asylum or residence; their understanding that it is not possible to work as an asylum-seeker; their unwillingness to tolerate the indignity and restrictions of life as an asylum-seeker; and their experience of poor reception conditions in Germany. Fatmir, who left for Germany in October 2014 and returned in mid-2016, explained:

\[\text{There is not so much chance to get the positive response nowadays as an asylum-seeker. And we also don’t want to go and just stay there but we want to work. We don’t have a perspective as asylum-seekers.}\]

In general, those who rejected the idea of seeking asylum again did so on the basis of their own experiences as asylum-seekers. It is possible that information campaigns
implemented in the intervening years may have clarified their understandings and
expectations of the asylum system – but no reference to such informational sources
were made. Instead, the interviews suggest that it was through lived, personal
experience and disappointment that their hopes for asylum were extinguished.

However, lived experience of asylum-seeking did not close the door on future asylum-
seeking for all. Subsequent to their first return, nine respondents left – or tried to
leave (two were turned back at the border) – to seek asylum again, in either Germany
or France. At the time of interview, a further three interviewees were hoping to seek
asylum again, and at least four were willing to seek asylum again if they were unable
to otherwise achieve their migration aspirations. Most of these respondents were
Roma and Egyptian, and – like those of Albanian ethnicity in this group – faced
particularly acute challenges in Albania in terms of their economic and material
conditions, unresolved health problems, and – in one case – fears of a violent ex-
husband. Their intentions or willingness to seek asylum again therefore seemed to
be a response to vulnerability. As one interviewee said: ‘We didn’t have an income so
we decided to go again [...] We just hoped we would find a solution’ (Ermonela). This
is also suggested by an NGO representative who reported that, most often, those
return migrants who want to re-migrate as asylum-seekers cannot clearly explain
what they expect to achieve through asylum, but simply explain ‘I don’t know, but
I just want a way to escape’. The greater willingness of Roma and Egyptian return
migrants to migrate again as asylum-seekers is also reported by INSTAT/CESS (2020)
and likely relates to these groups’ poorer economic conditions and experiences of
marginalisation and discrimination in Albania, as well as to the greater barriers to
their integration into the labour markets of either Albania or the EU.

6.6 Discussion and conclusion
The Albanian nationals who have sought asylum in the EU in large numbers and
in spite of the very high likelihood of refusal have had diverse motivations and
expectations. Albanian asylum-seeking has often been portrayed as an economic
strategy (Barbaja & Barbaja, 2015; Guichard, 2020), and although economic
motivations dominated the decision-making of the respondents interviewed for
this study, broader challenges regarding access to quality education and healthcare,
and relating to experiences of discrimination, marginalisation and social conflict in
Albania have also been strong drivers of migration decisions.

Respondents’ various motivations and differing levels of knowledge about conditions
in Germany have shaped expectations and decision-making in a range of ways. These
should not be reduced to any single or homogenising narrative about what Albanian
nationals have hoped to achieve in Germany: their decision-making has neither
been based solely on misperceptions of the asylum system and labour demand in
Germany; nor driven primarily by an economic cost-benefit calculation based on
expected welfare benefits; nor commonly by an ‘irrational’ response to desperation.
While differing expectations and rationales have all played a role in shaping asylum
outflows from Albania, what emerges strongly across the large majority of accounts
is the strong role of hope, whether despite or because of evidence to the contrary.

Hope is increasingly recognised as a critical driver of migration decisions –
particularly in the context of high-risk irregularised journeys from Africa
(Hernández-Carretero & Carling, 2012; Kleist, 2017; van Bemmel, 2020). In the
present case study hope is similarly significant and seems to be shaped by various
dynamics. First, hope emerges as a response to desperation, just as risk-taking has
been explained as a response to vulnerability (Hayenhjelm, 2006). Many respondents
regarded their conditions in Albania as intolerable and better futures there unrealisable. In these cases, wherein decisions are taken on the basis of very little
information, or a high awareness of the likelihood of return – hope is an expression
of agency in a situation otherwise experienced as beyond the individual’s control
(Cook, 2018). Second, hope was observed to also underwrite the attempt to ‘try one’s
luck’ before becoming resigned to the impossible or pointless, strengthened by the
respondents’ social networks and collective aspirations therein.

The analysis has also yielded insights into the way in which migration decision-
making may respond to new information over the course of a migration trajectory.
When in Germany and in a position to directly observe local conditions and policies,
many respondents did assimilate information on the probability of a negative
decision and forced return. Some of these respondents responded flexibly to reduce
the costs of a forced return – for example, by saving money in anticipation of their
return and reintegration, avoiding a costly appeals process, and/or accepting assisted
return and thereby avoiding deportation and a longer re-entry ban.

This chapter therefore contributes insights into responses to uncertainty and
information from a less-studied geographical region. The analysis adds weight to
arguments that ‘it is wrong to characterize all asylum-seekers as either informed
or not informed about their country of destination’ (Fleay et al., 2016, p. 69), and
emphasises that, even within a single national group, the information that migrants
have, and how they respond to such information, varies substantially. Moreover,
through an analysis of how migrants respond to uncertainty and information
during their migration trajectories, this chapter suggests that migrants may be more
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accepting of, and responsive to, unfavourable information received in the country of destination, where they directly experience and observe conditions and policies. This finding aligns with Mallett and Hagen-Zanker’s (2019) conclusion that:

[…] there is a difference between knowing about a risk and feeling that risk first-hand […] While knowledge and information can be subjectively discounted in accordance with the particular objectives of an individual’s livelihood project (Smith, 2015), the effects of actual experience on one’s perceptions can be much harder to shake off (p.177).

These findings pose various implications for policy. First, reflecting the multiple and often interacting drivers of asylum migration from Albania, addressing the ‘underlying reasons’ for these outflows will require sustained and far-reaching structural change in order to improve conditions and foster hope for a better future in Albania. Second, the critical role of hope in migration decision-making should not be underestimated and challenges the logic of information campaigns as a deterrence strategy. As Hayenhjelm (2006) argues, where risks are taken in response to vulnerability, ‘the element of hope may overshadow the probabilities’ (p.199). Decision-making is therefore unlikely to change unless the conditions of vulnerability are resolved, or unless a reasonable alternative is provided. The opening-up of labour market opportunities in Germany is therefore an important intervention to provide such an alternative. However, as further discussed below, this channel likely remains out of reach for the most vulnerable. Moreover, even where conditions are not so desperate, the interviews suggest that the urge to try one’s own chances, rather than accept the overall odds as poor, motivates migration even where the high likelihood of return is acknowledged.

Third, while the existing literature suggests that government sources of information often play a minimal role in decision-making to migrate, or are distrusted (Hernández-Carretero & Carling, 2012; Mandić & Simpson, 2017), the analysis suggests that, in the country of destination, migrants may be more accepting of information communicated via official sources such as reception facility staff and asylum officers. Combined with direct personal experience of the asylum system, information gained at first hand in Germany shaped revised attitudes towards asylum-seeking in the future, which many respondents ruled out as futile or otherwise undesirable. This was notably not the case, however, for a small number of interviewees who faced particularly difficult circumstances in Albania. Asylum-seeking (even if it results only in a temporary stay) may still be considered worthwhile by Roma, Egyptians and other Albanian nationals who face extremely challenging conditions in Albania, for whom immediate relief may be the dominant motivation. Re-migration through asylum-seeking seems to be perceived as the only available migration channel by severely vulnerable families who may lack the human and social capital necessary to access labour migration opportunities.

Finally, at least in the case of Albanian asylum-seekers in Germany between 2014 and 2019, it seems that an opportunity was lost to provide accurate information on the appeals process and its non-suspensive effect on deportation. It is possible that there were lawyers or translators who either knowingly misled asylum applicants, or otherwise neglected to provide important information. Whatever the situation, it is clear that the provision of information to asylum applicants in the process of appealing their negative decisions should improve in order to avoid deportations which are costly both for the German state and harmful to individual asylum-seekers.
CHAPTER 7
Legality and Legitimacy in the Return Decision-making of Rejected Albanian Asylum-seekers
7.1 Introduction

In 2015, at the peak of the so-called refugee or migrant ‘crisis’, Albanians were the second-largest nationality group seeking asylum in Germany, after Syrians (Eurostat, 2012). Across the European Union (EU), while Syrians, Afghans and Iraqis comprised the three largest groups of first-time asylum-seekers in 2015, Kosovars and Albanians were the fourth and fifth largest groups (66,885 and 66,145 applications, respectively) (Eurostat, 2022). Germany received by far the largest share of Albanian asylum applications – 81% of all first-time applications in the EU28 in 2015 – an inflow which had already declined substantially by 2016 (Eurostat, 2022).

Few Albanian nationals have been given international protection in the EU. The EU recognition rate for Albanians was only 2.6% in 2015 and 3.1% in 2016 – and was even lower in Germany (Eurostat, 2021). Almost all Albanian asylum-seekers have therefore been obliged to return to Albania – which in large measure they have done. The European Commission reported in 2017 that ‘Readmission [to Albania] is functioning well, with the country swiftly honouring readmission requests from Member States, and the return rate shows a substantial increase from 86% in 2015 to 129% in 2016’ (European Commission, 2017, p. 2). This compares to a much lower average return rate of 34% in 2015 and 46% in 2016 for all third country nationals (European Parliament, 2021; see also Stutz & Trauner, 2022). Good cooperation with the Albanian government is likewise reported in subsequent years, and although the Albanian return rate has since declined, it remains substantially higher than the overall EU return rate, which shows a similar downward trend.

In light of intense policy efforts to remove irregularised migrants from the EU (Triandafyllidou & Ricard-Guay, 2019), how should the relatively high rate of return for Albanians be understood? Region-specific geopolitical interests would seem to play a role (Stutz & Trauner, 2022). The European Commission (2018) reports similarly high rates of return to other Western Balkan countries. The ‘effectiveness’ of the EU’s return policy in the Western Balkans has been explained in relation to these countries’ currently peaceful conditions, their geographic and political proximity to the EU, and the particular agreements and incentives for intergovernmental cooperation in place (readmission agreements, visa liberalisation, and broader EU accession negotiations) (ECRE, 2019; Stutz & Trauner, 2022). It should also be noted that Germany, like other EU destination countries, introduced new policy measures to facilitate the swift processing and return of Albanian (and other Western Balkan) nationals.

However, the actual decision-making of rejected Albanian asylum-seekers has not been explored. This chapter therefore investigates the factors that have shaped the (non)compliance of rejected Albanian asylum-seekers with their legal obligation to return. The analysis draws on 43 interviews with rejected Albanian asylum-seekers who sought asylum in Germany between 2014 and 2018 and who returned – either via assisted return (commonly referred to in policy terms as ‘Assisted Voluntary Return’ (AVR) programmes) or deportation – between 2014 and 2019, as well as an additional ten key stakeholder interviews. The inductive approach taken examines not only the relevance of instrumental factors, which are typically the focus of studies of return decision-making, but also the role of normative motivations.

This chapter makes two core contributions to the recent and growing literature on return decision-making among irregularised migrants and to related policy discussions regarding return governance. First, the study provides evidence on the role of entry bans in migration governance, and thereby responds to the need for ‘empirically grounded analyses to better understand the relevance and functions of entry bans in different contexts’ which have hitherto been given limited attention (Könönen, 2022, p.14). The analysis demonstrates that, in a context where Albanian nationals have real possibilities for legal re-entry to the EU for labour migration, the threat of an EU entry ban strongly disincentivises non-compliance with return procedures. The results therefore point to the critical importance of having accessible legal labour migration opportunities available as an alternative to asylum-seeking or irregularised overstay if policymakers wish to promote compliance with return orders. Second, the analysis attends to the under-studied role of norms and values in return decision-making by evidencing the perceived obligation to leave felt by Albanian asylum-seekers who attribute legitimacy to the German state, its asylum system, and the received return order. Although these findings highlight the significance of the unique mobility regime in place for Albanian (and other Western Balkan) nationals, they have broader relevance for other regions such as North African and ‘Eastern Partnership’ countries, where there are similar policy interests and developments.

Regarding terminology, ‘assisted return’ is used here to refer to programmes known in policy terms as ‘Assisted Voluntary Return’ (AVR), and to distinguish this mode of return from deportation (or, in EU policy terms, ‘forced removal’). I avoid referring to the respondents’ acceptance of assisted return as participation in ‘Assisted Voluntary Return’ programmes.
Return because the respondents would have wanted to stay in Germany if allowed (i.e., if given rights to residence and work), and, as discussed below, generally accepted assisted return only because they considered it preferable to deportation. Second, where rejected asylum-seekers are referred to as irregularised migrants, this is not to discredit their claims to international protection, but rather to foreground their juridico-political status in countries of destination.

7.2 The return decision-making of rejected asylum-seekers and other irregularised migrants

From the perspective of policymakers, the return decision-making of irregularised migrants is fundamentally a question of (non)compliance with a legal obligation to leave. In the broader literature on legal (non)compliance, a key distinction is made between instrumental and normative decision-making logics. The instrumental model sees the individual decision-maker as a self-interested, rational actor who weighs the (potential) rewards and costs of a course of action with a view to protecting or improving their situation. The normative model is concerned with the internalised values and beliefs that shape assessments of whether an action or behaviour is ‘right’ or ‘wrong’, irrespective of personal loss or gain.

7.2.1 Instrumental motivations

An instrumental logic has dominated the scholarship on migrant decision-making in general and return decision-making particularly. It has also been the primary lens informing the design of return governance. Reflecting policy interest and innovations, studies have focussed on better understanding how irregularised migrants respond to the ‘sticks’ and ‘carrots’ of return regimes: exclusionary policies with punitive and coercive aims on the one hand, accompanied by offers of assisted return and support for reintegration on the other. Beyond the instrumental effects of policy interventions, the literature has highlighted a range of other considerations that can shape cost-benefit calculations regarding continued stay or departure. As discussed in Chapter 2, these relate to: broader conditions in the country of destination; conditions in the country of origin; and the characteristics of individual migrants and their migration projects and trajectories (Brekke, 2015; Brouwers, 2018; Leerkes et al., 2017; Strand et al., 2016; van Wijk, 2008). Across these studies, some general patterns have been observed. For example, fear regarding – particularly security – conditions in the country of origin acts as a strong deterrent to return (Brouwers, 2018; Leerkes & Kox, 2017; van Wijk, 2008). However, rejected asylum-seekers and other irregularised migrants have heterogeneous profiles and experiences, and the literature demonstrates that the particular influences on their return decision-making vary greatly according to structural context and individual circumstance (Brekke, 2015). For example, while family relationships have been identified as a key determinant of return decision-making, they can both deter and incentivise departure, depending on the geography and nature of these relationships (Brekke 2015; Dubow & Kuschminder 2021; Koser & Kuschminder 2015; Leerkes et al., 2017; Leerkes & Kox 2017; Strand et al. 2016; van Wijk 2008).

There is therefore a need to understand return decision-making in relation to the specific migration corridor of interest, as the particular characteristics of the country of origin, country of destination, geopolitical relations and people who migrate between them will have implications for decision-making patterns. As Brekke (2015) explains with regard to rejected asylum-seekers, ‘[t]he situation in the country of origin, national networks and individuals’ investment in the asylum project result in a country specific sensibility with regard to return incentives’ (p.12). This chapter builds on this understanding to provide an analysis of return decision-making within a context of strategic relevance to EU migration governance.

7.2.2 Normative motivations

Normative modes of legal (non)compliance have received substantial attention within criminological and socio-legal scholarship but have only recently – and to a limited extent – been incorporated into studies of migration decision-making. Normative influences on legal (non)compliance – including in the context of migration decision-making – encompass personal morality, the perceived legitimacy of legal authorities, individual attitudes towards the law in general, and social norms (Ryo 2013; see also Schwartz et al., 2021). Regarding legal (non)compliance in return decision-making, personal morality, general attitudes towards the law, and social norms have been given scant attention. The relevance of social norms has, however, been identified by studies which point to the strong influence of community expectations on return considerations. This is particularly the case where a culture of migration fuels familial and community expectations of what migrants should achieve – principally, material wealth. In these contexts, the anticipated shame of returning ‘empty-handed’ can strongly deter return (Brouwers 2018; Leerkes & Kox 2017; van Wijk 2008). Such social norms may also factor into instrumental calculations, given that the degree to which an individual conforms may result in personal gain or loss – for example, if social (dis)approval entails the offer or denial of business, marital, or other opportunities.

The influence of perceived legitimacy has begun to attract explicit attention in studies of return decision-making. The term ‘perceived legitimacy’ generally refers to the subjective belief that an authority (or rule, social arrangement, or norm) is
legitimate. Definitions of perceived legitimacy vary somewhat, but typically draw a link between the appraisal of an authority as legitimate and a corresponding sense of voluntary obligation or duty to follow that authority’s rules or directives (Johnson et al., 2014; Tankebe, 2013). Compliance based on perceived legitimacy is not dependent on the use (or threat) of force, coercion or reward, but is rather intrinsically motivated by the perception that the power-holder has ‘the right to prescribe and enforce appropriate behaviour’ (Tyler & Jackson, 2013, p. 87).

What determines subjective assessments of legitimacy is a question of ongoing theoretical and empirical examination (Johnson et al., 2014). Within the constraints of this brief overview, two frameworks merit particular consideration. Tyler’s highly influential process-based model of regulation emphasises the primary importance of procedural justice in shaping assessments of legitimacy which then affect willingness to comply with the law and legal authorities (Johnson et al., 2014; Tyler, 2003). Procedural justice (or fairness) relates to the way in which authorities exercise power (Tyler, 2003). Procedural justice is typically examined in relation to the quality of decision-making (its neutrality, consistency and transparency) and the quality of treatment (the degree of dignity and respect accorded to those subject to a rule or authority) (Tyler, 2003). Tyler and colleagues identify distributive justice (or outcome fairness) as another aspect of the exercise of authority that can influence perceptions of legitimacy and/or compliance (Sunshine & Tyler, 2003; Tyler, 2003). Distributive justice refers to the fairness of outcomes reached or distribution of resources. Although Tyler views distributive justice as an instrumental influence on behaviour (Sunshine & Tyler, 2003; Tyler, 2003), other scholars more persuasively conceptualise it as a normative factor, as below.

A second influential approach is offered by Bottoms and Tankebe (2012), who follow Beetham and Coicaud in conceptualising perceived legitimacy as founded firstly on consent (i.e. which can be freely given or withdrawn by those subject to the claims of an authority), and which is in turn based on the legality (or lawfulness) of the exercise of power (its conformity with established rules) as well as on shared values. Bottoms and Tankebe (2012) re-affirm the significance of procedural justice within this framework, arguing that the values which underpin assessments of procedural justice (the principles of fair decision-making and treatment) are (some of) the shared values that create and sustain perceived legitimacy. The overall effectiveness of an authority in its exercise of power — seen as an instrumental factor by Tyler — is also viewed as a shared value underpinning legitimacy assessments (Bottoms & Tankebe, 2012). Distributive justice is later emphasised by Tankebe (2013) as another type of shared value on which legitimacy is based. Tankebe (2013) concludes that perceived legitimacy can be operationalised and measured as: lawfulness, procedural justice, distributive justice, and effectiveness. However, consensus has not yet been reached. Subsequent discussion has suggested that the relevance and relative weight of different dimensions in assessments of legitimacy may vary across contexts, and that further empirical investigation is therefore needed (Johnson et al., 2014; Tyler & Jackson, 2013).

The migration context presents distinct questions for understanding perceived legitimacy, which have yet to be fully considered and examined. The perceived obligation to comply with the migration policy of foreign governments may be assessed differently to other types of legislation and law enforcement. First, in a multicultural (or transnational) context, the expectation that shared values underpin legitimacy may be more difficult to fulfil (Bottoms & Tankebe 2012; Schwartz et al., 2021). Second, foreign nationals — and particularly irregularised migrants, being neither citizens nor legal residents — are not (full) members of the polity that the country’s legislation and law enforcement is principally designed to serve and answer to. The extent to which migrants share the same body of rules against which lawfulness could be assessed is therefore similarly unclear. Moreover, (irregularised) migrants do not have the (same) voting rights that allow citizens to express or withdraw consent in liberal democracies. The questions of distributional justice and effectiveness may also be less straightforward when certain kinds of migration policy — such as restrictive immigration controls — are not in the interest of the foreign nationals expected to submit to them (Leerkes & Kox, 2017). Lastly, immigration controls are distinct from other areas of legislation where there is a clearer moral consensus for legal prohibitions and criminal sanctions (for example, regarding theft or murder). Immigration law is, in contrast, ‘morally ambiguous’ and therefore more easily contested (Leerkes, 2016; Leerkes & Kox, 2017; Ryo, 2013, p. 595; van Houte et al., 2021).

In the few studies which investigate the role of perceived legitimacy in (non) compliance with return orders and enforcement, perceived legitimacy has been conceptualised as perceived procedural and outcome (distributional) justice (Leerkes et al., 2017; Leerkes & Kox, 2017; van Alphen et al., 2013). Van Houte et al. further distinguish institutional legitimacy as a third ‘type’ of legitimacy, which they define as ‘the perceived authority of a state to define and enforce one’s immigration status within limits set by international law’ or, as the authors suggest a (potential) migrant might consider: “I (don’t) think that the state has the right to decide over this” (2021, p. 4). Alongside the impacts of instrumental considerations, these studies find a relationship between legitimacy perceptions and (non-)cooperation.
with return procedures. Those migrants who perceive their obligation to leave (and/or detention for that purpose) as more legitimate are more willing to leave, while those who find their obligation to leave or detention more illegitimate are more likely to resist (Leerkes & Kox, 2017; van Alphen et al., 2013; van Houte et al., 2021). In these studies, outcome justice (the degree to which irregularised migrants view the content of immigration law, and their resulting orders to leave, as legitimate) proves more influential than procedural justice. Van Houte et al. (2021) identify that some irregularised migrants also contest the state’s right to control immigration (institutional legitimacy). Leerkes and Kox (2017) additionally find that the primary reason for migration influences legitimacy perceptions, suggesting that different ‘types’ of migration – and the associated restrictions on these – may be seen as more or less legitimate.

7.3 Methodology
The present study draws on 43 in-depth interviews with rejected Albanian asylum-seekers who returned from Germany via assisted return or deportation, and ten interviews conducted with governmental, inter-governmental, and civil society experts involved in supporting return and reintegration in Albania. Fieldwork was conducted by the author in Albania in January 2020. All interviews were conducted in person, with the assistance of Dr. Ilir Gëdeshi who also acted as interpreter. The sampling strategy for the returnee interviews was necessarily based on a combination of purposive, convenience and snowball sampling, given the lack of a comprehensive register of returned migrants. Recruitment relied largely on re-contacting respondents to a previous survey8 who had consented to further contact, snowballing from these contacts, and, to a lesser extent, pursuing contacts via a non-governmental gatekeeper. The sampling strategy sought to include balanced representation in terms of gender, geographic dispersion (across geographic regions, and urban/rural settings), ethnicity and mode of return (assisted return versus deportation). This was largely achieved but is further discussed below.

Interviews were conducted in eight areas of Albania – mainly in the centre and north. The interviews generally lasted 30 to 90 minutes, and were conducted at the respondent’s convenience, usually in a public location, such as a café, or in their home or workplace. Strict research ethics protocols were followed, including the need for informed consent (given verbally by migrant interviewees, and in writing by key stakeholders) in accordance with the ethics approval granted by the Ethics Review Board of the Faculty of Social and Behavioral Sciences, University of Amsterdam.

Interviews were voice-recorded, where consent for this was given (in two interviews detailed notes were taken instead) and later transcribed and translated into English. The transcripts (and notes) were systematically coded in Nvivo, combining a deductive and inductive approach to theme development.

The 43 returnee interviews were conducted with Albanian nationals who sought asylum in Germany between 2014 and 2018, whose applications were rejected, and who subsequently returned to Albania via either assisted return or deportation, between 2014 and 2019. A couple of interviewees had sought asylum in Germany and returned via assisted return or deportation more than once during this period; the sample therefore captures 37 instances of assisted return and 9 instances of deportation from Germany following a negative decision. Interviewees had spent, on average, 16 months in Germany. At the time of their first asylum application in Germany, the respondents were between 13 and 62 years old; the average (mode) age was 32, the median age was 30. The large majority of respondents (37) were married; and the large majority sought asylum with one or more immediate family members – most often their spouse, and children, if they had any (some women travelled whilst pregnant), but family groups also included a third generation in some cases, and extended family members such as adult siblings, nieces and nephews. Only three respondents sought asylum alone. It is not possible to know how representative the sample is of the overall population of Albanians who sought asylum in Germany. The sample is balanced in terms of gender: 21 women and 22 men were interviewed, but these interviews were often conducted in a family setting; and in some interviews, both spouses participated, having migrated together. Despite substantial efforts to achieve a balance between ethnic backgrounds, the sample seems to disproportionately represent people from Roma and Egyptian communities (19% and 14% respectively). Roma and Egyptians make up much smaller proportions of the total Albanian population at less than 2% of the overall population, but also seem to be over-represented in Albanian asylum flows to Germany (INSTAT/CESS, 2020).

7.4 Albania-Germany asylum and return flows and policy context
Throughout the 1990s and 2000s, neighbouring Greece and Italy received the largest shares of Albanian migrants: usually young men seeking work (often irregularly) – sometimes later followed by their wives and families (Gemi & Triandafyllidou 2021). The following decade saw a new trend in Albanian migration which has received considerably less analysis. In the wake of the 2008 global financial crisis, shrinking economic opportunities in Greece and Italy led to renewed pressure on the Albanian economy as remittances fell and migrants in Greece and Italy returned to the Albanian labour market (INSTAT/CESS, 2020). Facilitated by visa liberalisation

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8 A survey of Albanian asylum-seekers who had returned from Germany, conducted by the Centre of Economic and Social Studies (CESS), of which Dr. Gëdeshi is the Director.
Albanian asylum-seekers have tended to migrate as families, hoping to find a better life together. As mentioned above, almost all the interviewees had migrated to Germany with their nuclear – and in some cases, extended – family. As described in Chapter 6, the main reasons for migration that respondents reported were economic opportunities (including the strong desire to offer their children a better future) as well as access to healthcare – and, in a smaller number of cases, due to family or community insecurity or tensions. Most respondents hoped to stay in Germany indefinitely.

The vast majority of Albanian asylum-seekers have been refused protection and obliged to return. Germany introduced various measures to hasten their processing and removal. In October 2015, Albania was added to Germany’s list of ‘safe countries of origin’ as part of the Act on the Acceleration of Asylum Procedures (known as ‘Asylum Package I’) which introduced further restrictions for asylum-seekers from these countries (EMN/BAMF, 2016). In March 2016, the Act on the Introduction of Fast-Track Asylum Procedures (‘Asylum Package II’) came into force, introducing a fast-track procedure for certain types of asylum applicants, including those from ‘safe countries of origin’ (EMN/BAMF, 2017).

In contrast to, but accompanying, these restrictive measures, Asylum Package I introduced a new labour migration opportunity for Western Balkan nationals. Under the ‘Western Balkan Regulation’ – initially operational from November 2015 to 2020, and later extended through 2023 – Western Balkan nationals can apply for a work visa in Germany if they have been offered an employment contract meeting certain basic labour standards but not conditional on any minimum language or qualification requirements (Bither & Ziebarth, 2018). The idea was that, by creating accessible labour migration opportunities for low-skilled workers, potential asylum-seekers from these countries could be re-routed into legal labour migration channels (Bither & Ziebarth, 2018). In their analysis of the policy debates and rationale behind the introduction of the Western Balkan Regulation, Bither and Ziebarth (2018) note that an additional implicit objective might have been to encourage the return of rejected asylum-seekers in Germany (although, following a transitional period, former asylum-seekers have not been eligible for work permits under the Western Balkan Regulation until 24 months after their return) (EMN/ BAMF, 2017).

The return decision-making of Albanian asylum-seekers whose applications were rejected in Germany during this period of dynamic policy change forms the focus of the following analysis.

### 7.5 The return decision-making of rejected Albanian asylum-seekers

In Germany, a negative decision on an asylum application is accompanied by a return order, which is communicated by letter, alongside information on available assistance for return and reintegration. Many respondents reported that after receiving this letter they were invited for an in-person meeting – or, in some cases, were directly approached by an official to discuss their negative decision and return options. One man who returned in 2016 explained the process thus:

> German authorities send some envelopes, in yellow. It tells you that you have some time to prepare. First, they ask you to come to an office and ask whether you want to return voluntarily or stay and return later by force (Sead).

The choice of assisted return versus deportation was typically presented in the following way, as described by Gerti, who returned in 2018:

> In the last two months the social worker came and told us that we had a negative decision. She told us we could either sign and leave voluntarily or the police would come at 2am in the morning and take us by force. In this case we would be officially deported and have no right to enter the EU for five years.

This description is consistent with van Houte and Leerkes (2019) finding that, in Germany, information about EU entry bans is purposively communicated to rejected asylum-seekers as a deterrent to non-compliance with a return order.9 An EU entry ban of up to five years is automatically imposed on rejected asylum-seekers who are deported (BAMF, 2018). Since August 2015, those who depart ‘voluntarily’ (i.e. via an assisted return programme) may also be subject to a – typically shorter (up to one year) – entry ban if their application was judged ‘manifestly unfounded’ (as applies to applications from ‘safe countries of origin’).

Consistent with the official framing described above, the interviewees seemed largely to regard their options as a choice of either assisted return or deportation. In 9 It is not clear how widespread this practice is across the EU; however, both the comparative study conducted by van Houte and Leerkes (2019) and a comparative analysis by the European Migration Network (2016) mention that Germany, the Netherlands and Sweden use the communication of entry bans as a deterrence measure.
contrast to what we know of other rejected asylum-seeker groups (see, for example, Chapter 5), the interviewees seemed to give little thought to absconding. None of the respondents mentioned disappearing into irregularity in Germany as an option. Onwards migration was more commonly discussed: four respondents said they had considered claiming asylum in the Netherlands. However, most of these respondents decided against this due to the uncertainty and risks. These included the risks of being returned under the Dublin Regulation, the desire to avoid having ‘bad relations or issues with the German government’ (Artan), and broader anxieties regarding how they would be received. For example, Jurgen explained that some of his friends had moved onwards to the Netherlands but that they did not have small children to care for. He decided that it would be too risky for his family:

I was not sure though about the country. I had no information whether I would be allowed or given a house there. I had just a little child and did not want to risk taking him there.

The one family who did move onwards to the Netherlands did so because, having sought asylum in Germany twice already, they were no longer eligible for assisted return from Germany, and therefore hoped to benefit from additional material assistance and assisted return from the Netherlands.

One reason why disappearing into irregularity in Germany was not discussed may be the effective threat of deportation for Albanians in Germany. Although only selectively mobilised, Germany has a strong return enforcement capacity (Leerkes & Van Houte, 2020). The Albanian government is also known for its strong cooperation on return and readmission. Moreover, given the high numbers of Albanian asylum-seekers in Germany at the time, and particularly when they lived in reception centres or other group accommodation, the threat of deportation was highly visible and felt keenly. One woman who had arrived with her family in late 2016 explained:

We were sure that we would be returned by force. It was better for us to return voluntarily. I had also seen other people in the camp who were forced to leave and I didn't want to experience that (Emira).

The prospect of deportation encouraged uptake of assisted return. As overviewed in Table 3, across 35 instances of return from Germany via assisted return (following a negative decision, and where the respondent clearly expressed their reasons for accepting assisted return), in the majority of cases (18) the respondent wanted to avoid the imposition of an EU entry ban. In 15 cases, other reasons for wanting to comply with the law (both instrumental and normative) were given. These dominant motivations are overviewed below, and then more fully discussed in relation to the characteristics of the Albania-Germany corridor.

Table 3. Reasons given for accepting assisted return (total: 35 instances of assisted return from Germany)

<table>
<thead>
<tr>
<th>Reason</th>
<th>Number of respondents, per instance of return</th>
<th>Percentage of total instances of return</th>
</tr>
</thead>
<tbody>
<tr>
<td>To avoid an EU entry ban</td>
<td>18</td>
<td>51%</td>
</tr>
<tr>
<td>To comply with the rules</td>
<td>15</td>
<td>43%</td>
</tr>
<tr>
<td>(Of which, reasons of perceived legitimacy)</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Disappointed expectations</td>
<td>5</td>
<td>14%</td>
</tr>
<tr>
<td>Family reasons</td>
<td>1</td>
<td>3%</td>
</tr>
</tbody>
</table>

*Note: Some respondents gave multiple reasons, hence the total number of reasons given exceeds the total number of assisted returns.

7.5.1 The wish to avoid an EU entry ban

The respondents who wanted to avoid an EU entry ban understood that this would prohibit them from legally re-entering the EU for a number of years:

I didn't want to ruin the passports because if you go by force you have a problem then with your passports. [...] It doesn't allow us to go abroad for three or five years (Burim).

The avoidance of an EU entry ban is an instrumental motivation relating to the migrant’s future situation and opportunities. As some of these respondents explained, they did not want to forgo opportunities to re-migrate to the EU in the short or medium term. As Burim elaborated: ‘I thought that maybe I will have other opportunities to go abroad so I wanted to avoid this trouble.’ In one case, the couple interviewed were less concerned about protecting their own opportunities, as they were about ensuring their children’s:

In the future the children might migrate. [...] They told us that for example for five years the passport is unusable, the children didn't have any rights to travel. I don't care about us but at least the children (Enad).
Chapter 7 - Legality and Legitimacy in the Return Decision-making of Rejected Albanian Asylum-seekers

7.5.2 Compliance with the law

Beyond the prospect of future mobility, other reasons for wanting to comply with the law were commonly discussed. Most often, these motivations were instrumental – the interviewees wanted to avoid the shock and stress of deportation. One father explained:

I didn’t want to have anything with the police. They would come at any time even in the middle of the night. [...] They would come immediately and not leave you time to think or to do anything, just get dressed, put you in the van, and take you right to the airport (Gazmen).

The potential distress of a deportation for the respondents’ children was a particular concern for many: ‘The police could come during the night and scare the children so I wanted to avoid that too’ (Remzi).

However, more normative motivations for complying with a return order were also mentioned in six of these 15 cases (sometimes alongside instrumental reasons). These respondents seemed to consider it their duty to respect the laws and institutions of the state that had hosted them as asylum-seekers. First, the relevance of procedural legitimacy was clearly indicated by respondents who emphasised that they had been treated well and with respect by the German state:

We had good relations and they gave us many things during the time we were there. [...] My wife thought not to become people with problems with the state and the government (Artan).

Since they were being nice to us, we didn’t have any reason to decline their request and accept immediately. [...] They respected us, they took in and gave us a home. They gave us money. They treated us well. That is respect. [...] why would I break their law when they respected me? (Xhoana).

Second, and more fundamentally, these accounts indicate an acceptance of the German state’s right to determine eligibility for legal residence and inclusion in Germany (institutional legitimacy). Having made a claim on the German state as asylum-seekers or ‘guests’, a few interviewees explained that they saw themselves as beholden to the German state’s authority: ‘Since I accepted their conditions, I got the decision that came from them’ (Arjan). The metaphor of a host–guest relationship was invoked to convey a sense of reciprocal obligation, and the resulting naturalness of their compliance. For example, Enton described:

If you go to somebody as a guest and you stay some months and then the owners of the house want you to leave, you cannot wait for them to take you away by force, instead you go yourself.

Arjan similarly explained that, for the sake of his dignity (‘to be human’), he had to respect the German state’s decision:

How can we stay more if the German government wants us to leave? This was their house.

Third, there were some indications of perceived outcome legitimacy in a few accounts, or at least some degree of acceptance of the negative decisions received and the criteria used. For example, Arjan explained: ‘When I had the interview I understood that asylum was just for Syrians and not for the Balkan countries.’ In relation to potential re-migration intentions (further discussed below), Enton’s wife Aurela explained: ‘Why should we ask for asylum? We are not in war. We want to improve the quality of life. We are not accepted as asylum-seekers.’ Similar expressions of acceptance of the negative decisions given to asylum-seekers with economic motivations or from non-conflict affected countries were also communicated by three respondents whose stated reasons for accepting assisted return were more instrumental. For example, Endri explained:

I knew I was going to be sent back. No one would allow me to stay there for economic reasons. [...] Anyone who was there for economic reasons [received a negative decision]. Some people there had migrated because of hostilities. And they got sent back. We were there just for economic reasons.

The reference to ‘just economic reasons’ (my emphasis) connotes the same kind of hierarchy of ‘deservingness’ that underpins the EU asylum and broader mobility regime, suggesting that the rationale underpinning asylum decisions in Germany may to some extent have been accepted and internalised in this case.

7.5.3 The decision-making of those forcibly removed

Given the strong reasons for accepting assisted return expressed by the interviewees, how should we understand the decisions of the nine respondents who were instead deported? Generally, these interviewees did not consciously refuse assisted return and accept the risk of deportation. Almost all reported that they were either not aware of having been issued a negative decision and return order, or, more commonly, that they were in the process of appealing their negative decision or trying to defer their
return based on medical grounds. In these latter cases, and as discussed in Chapter 6, the respondents often did not understand that they remained subject to deportation, and some explained that, if they had known they would be deported at that point, they would rather have accepted assisted return.

7.6 Instrumental decision-making: compliance for the sake of future migration opportunities

As shown above, the respondents most often accepted assisted return because they were concerned to avoid the entry ban accompanying deportation. Scholarly analysis has so far paid little attention to the role of entry bans in return decision-making (Könönen, 2022). However, in their cross-country study of uptake into Norwegian assisted return programmes, Strand et al. observe that a notable feature of the Kosovars’ acceptance of assisted return was their ‘intense fear’ of deportation, which was likewise often due to the threat of an EU entry ban (2016, p. 149). Strand et al. (2016) interpret this in relation to the cheaper and safer access that Kosovars have to EU territory, based on geographic proximity – as well as the possibility of Kosovo’s future inclusion in the Schengen zone. Könönen’s recent studies (2021; 2022) have paid further attention to the effects of entry bans. These studies find the prospect or imposition of a (national or EU) entry ban to be a source of great frustration to many migrants held in immigration detention in Finland, among whom intentions to come back to Finland or Europe were common – often for family reasons. However, Könönen (2022) suggests that the effect of an entry ban on motivating compliance with return procedures depends to a large extent on the individual’s re-migration aspirations, as well as the feasibility, costs and risks of re-migration. While Könönen observes a motivating effect for some South Asian and one Albanian respondent, the national entry bans imposed on EU citizens and residents (which only prohibit access to EU territory, based on geographic proximity – as well as the possibility of Kosovo’s future inclusion in the Schengen zone) are largely irrelevant in decision-making:

For Estonians, in particular, the deterrence effect of a national entry ban is rather non-existent, as they can quickly return to Finland due to the absence of formal border controls and the frequent and affordable ferry connections between Helsinki and Tallinn (2022, p. 9).

Building on these analyses, the significance of an EU entry ban for Albanian nationals should likewise be understood in relation to the relative accessibility of future opportunities to return to the EU – not only due to Albania’s geographic position on the European continent but outside of the EU’s external borders – but also because of the unique mobility regime in place for Albanian (and other Western Balkan nationals). Albanians are subject to border controls which control entry to the Schengen area, but since 2010, Albanians have had visa-free access to the EU, which has facilitated circular patterns of (semi-)legal labour migration. Seasonal work in Greece, involving legal entry and often informal employment provides Albanians with an accessible labour migration opportunity within the three-month limit of their visa-free access to the EU (Gemi & Triandafyllidou 2021). Since November 2015 Albanians of all skill levels have also had greater access to the German labour market under the Western Balkan Regulation.

The significance of these opportunities is evident in the interviewees’ decision-making, among whom re-migration aspirations were very common. In many cases, respondents intended to return to Germany specifically, for which they hoped to find a work contract: ‘I have heard that if I find an owner or someone who can employ me they are able to give me a guarantee or work contract’ (Jorida). It was evident that, at the time of interview in early 2020, many rejected asylum-seekers had some understanding – however accurate or precise – of the opening-up of legal labour migration opportunities in Germany. The extent to which these opportunities were understood by and relevant to the respondents at the time of their return from Germany between 2015 and 2019 is less clear. When explaining their decisions to accept assisted return, respondents generally referred simply to their wish to avoid an EU entry ban and/or to the importance of retaining the option to re-migrate in the future. Although return to Germany was sometimes specifically mentioned, broader access to the EU – and particularly seasonal labour migration opportunities in Greece – may have been as or more important. One woman explained: ‘We didn’t want to have the ban in the passport because my husband goes to Greece from time to time to work and we didn’t want to have problems with the passports’ (Elizabeta). Nonetheless, fieldwork conducted in 2016 by Hackaj et al. (2016) found similarly that most returned Albanian asylum-seekers wanted to re-migrate to Germany, and many had some knowledge of the procedures for legal labour migration to Germany, suggesting that by 2016 there was already substantial awareness of Germany’s newly-expanded legal work opportunities.

It must also be acknowledged that, although the majority of respondents discussed their hopes or plans for labour migration, and many ruled out seeking asylum again, a small number said that they were hoping or might be willing to seek asylum again – as some in the sample had already done. And while many respondents discussed their intentions to obtain a legal work permit, a few admitted that they were also open to

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10 Kosovars do not yet have visa-free access to the EU, but a visa liberalisation dialogue was launched in 2011, and in 2016 the European Commission proposed that the European Parliament and Council should move forward with granting visa-free travel to Kosovars (European Union External Action, 2018).
irregular employment – which a couple of respondents had already found temporarily in Germany and Greece. The remaining barriers to legal labour migration – which include the impacts of entry bans and the 24-month prohibition on eligibility for the Western Balkan Regulation for former asylum-seekers, as well as the need for social networks and/or financial resources to find legal employment – likely play a large role in sustaining irregularised labour migration.

7.7 Normative decision-making: compliance based on the perceived legitimacy of the mobility regime

In addition to the instrumental reasons for wanting to avoid deportation, a strong normative component was evident in several respondents’ acceptance of assisted return. The results show that assessments regarding the legitimacy of the German state’s authority to make such decisions (institutional legitimacy), assessments regarding the fairness of the decisions received (outcome legitimacy), and assessments regarding the quality of treatment within the asylum system (procedural legitimacy) may all have played a role in motivating compliance with return orders. It is possible that these factors were also relevant to other respondents who did not, however, consciously reflect on these reasons or mention them in the interview (the respondents were not systematically asked about their legitimacy perceptions as this was not foreseen in the interview guide).

Various factors may explain these positive evaluations by Albanian asylum-seekers in Germany. One factor that most explicitly influenced compliance was the relatively open and generous treatment that Albanians experienced as asylum-seekers in Germany, which seems to have contributed to positive assessments of procedural justice. Unlike other asylum-seeking groups and other destinations, Albanian asylum-seekers did not have to risk their lives and navigate dangerous border controls and pushbacks to enter Germany and, when they arrived, they often felt welcomed. Especially those who arrived in earlier years (before policy restrictions were implemented) enjoyed a good standard of living relative to their housing, economic situations and access to services in Albania (see also Gëdeshi & King, 2022 and Hackaj & Shehaj, 2017).

The reasons for compliance based on the respondents’ more fundamental acceptance of the German state’s right to determine eligibility for legal residence and inclusion in Germany are less obvious but perhaps more intriguing. In light of migrant claims to transnational or cosmopolitan citizenship (van Houte et al., 2021), as well as broader critiques of migration controls (seen, for example, in the international ‘no borders’ movement), we should not assume that (potential) migrants accept the legitimacy of state policy and practice to control cross-border movements. However, such transnational or cosmopolitan narratives were not observed in the interviews analysed here. Rather, the relationship of reciprocal obligation that a few interviewees considered they had entered into suggests the kind of ‘consent’ that has been viewed as foundational to perceived legitimacy in the national contexts that have been the focus of existing theorisation (Bottoms & Tankebe, 2012). In a migration context, it is worth considering that more voluntary forms of international migration undertaken by foreign nationals might be analogous to the formal declarations of consent (for example, via electoral participation) available to citizens – in some sense, ‘voting with one’s feet’. It is also plausible that legitimacy and obligation may be evaluated differently by migrants engaging in different forms of migration. The perceived obligations of a dependent ‘guest’ (as an asylum-seeker) may be considered in different terms to those of an economically self-sufficient worker meeting foreign labour demand – as suggested by the case of Enton who did not want to overstayed his welcome as a ‘guest’ in Germany, but who continued to migrate irregularly for seasonal work in Greece upon his return.

It is also possible that historical, geopolitical and cultural factors contribute to the perceived legitimacy of the German mobility regime among Albanian asylum-seekers. Without disregarding the history of foreign intervention and occupation in the Western Balkans, Albania does not have the kind of post-colonial relationship with Germany (or other EU destinations) that underlies geopolitical dynamics between EU countries and their former colonies in, for example, Africa, and which have been observed to shape the perceived illegitimacy of European migration policy (van Houte et al., 2021). Instead, the Western Balkan countries are part of Europe and officially regarded as (potential) future members of the EU. Indeed, Strand et al. suggest that the strong wishes of Kosovar nationals to avoid deportation from Norway might also relate to their self-concept as ‘law-abiding, European citizens’ (2016, p. 150). This interpretation would need further investigation but accords with the reported enthusiasm of Albanian and Kosovar nationals for EU integration (and stands in contrast to the moreEuro sceptic attitudes of other Western Balkan populations) (Belloni, 2016). It is also somewhat supported by the interview discussions, in which respondents sometimes spoke of their appreciation of the law and order they experienced in Germany (see also similar assessments reported by Hackaj & Shehaj, 2017).

Regarding the perceived outcome legitimacy of negative asylum and return decisions, it may be that the primarily economic motivations of the Albanian respondents, and the generally more secure conditions they experienced in Albania – relative to the conflict or persecution that drive other asylum-seeking groups – mean that Albanians do not feel like they are fighting for their human rights in the same way
that other asylum-seekers do. This interpretation is supported by Leerkes and Kox’s (2017) finding that labour migrants are more likely – compared to asylum-seekers or family migrants – to regard their detention for irregular stay as more legitimate, and to be persuaded to accept return. Lastly, it is also possible that the perceived fairness of negative asylum decisions for Albanians is supported by the availability of legal labour migration opportunities as an alternative migration channel. Leerkes (2016) argues that governments in countries of origin may perceive the legitimacy of EU return policy as more legitimate – and therefore be more willing to cooperate on return and readmission – if legal migration opportunities are offered. The same could be true for individual migrants, in which case the availability of legal labour migration opportunities would not only promote compliance with return orders via instrumental motivations, but also via normative assessments. This is a question for future empirical investigation.

As a final note on the particularities of the corridor under study, other characteristics of Albanian asylum-seeking may also explain their high rates of compliance with return orders. The fact that Albanian asylum-seekers often migrate as families with small children likely plays a role. Given that their motivations for seeking asylum in Germany were, in large part, to provide their children with a better quality of life and future, it seems reasonable to suggest that the parents interviewed consciously or subconsciously rejected the idea of absconding due to the costs and risks involved – particularly for their children. As mentioned, the option of absconding was not discussed, and the prospect of irregularised secondary movement only rarely discussed by the respondents, but the respondents’ concerns regarding the impacts of irregularisation for their children – in particular their strong preference not to subject their children to a deportation which might ‘scare’ them – supports this hypothesis. However, this inference should not be generalised to other asylum-seeking groups (see, for example, van Osch, 2022). Although the Albanians interviewed regarded their conditions and prospects in Albania as very difficult and insecure, they generally did not fear for their lives upon return. For other asylum-seeking groups who anticipate worse or more dangerous conditions in their countries of origin (such as the Afghans discussed in Chapter 5), staying on in the EU even irregularly and at the risk of deportation (and even with young children) may be viewed as the more attractive, or at least more tolerable, option.

7.8 Conclusion

This chapter examines the return decision-making of rejected Albanian asylum-seekers – a contingent whose ‘voluntary’ departure to Albania is held up as a (rare) example of effective EU return policy. Rejected Albanian asylum-seekers in Germany have largely regarded their choices as being a return to Albania via either assisted return or deportation. The threat of deportation clearly plays a key role in encouraging acceptance of assisted return. However, for the rejected asylum-seekers interviewed in this chapter, the critical importance of avoiding deportation rests on the opportunities that Albanian nationals have for legal re-entry to – and accessible labour opportunities in – the EU, which an entry ban would prohibit. Without these accessible legal re-migration opportunities, the significance of an EU entry ban would be much reduced. Moreover, in addition to instrumental reasons for wanting to avoid a deportation and entry ban, Albanian asylum-seekers sometimes have strong normative motivations for complying with a return order, which relate to the legitimacy they attribute to the German state and asylum system.

This chapter therefore offers two core contributions to academic and policymaker understandings in the field of return. First, it highlights the significance of legal and accessible labour migration opportunities in promoting compliance with return orders and suggests that policymakers concerned to increase the return of irregularised migrants should consider opening up legal labour migration channels for low-wage or low-skilled workers. The expansion of labour migration channels for third countries – viewed as a potential instrument to divert irregularised migration into legal pathways, incentivise the cooperation of third country governments on return and readmission, as well as fill domestic labour shortages – is the focus of renewed policy interest. This chapter argues that accessible legal labour migration opportunities should also be considered key to encouraging compliance with return policy among individual migrants. In the context of current debates around the future of the Western Balkans Regulation (Bither & Ziebarth, 2018), this chapter offers empirical evidence in support of its extension and expansion to include other countries of origin.

Second, the analysis contributes to the limited study of norms and values in migration decision-making by examining the role of perceived legitimacy in encouraging compliance with return orders. The findings highlight the role of procedural justice, particularly, in shaping assessments of legitimacy, and add weight to the argument that, in a migration context, institutional legitimacy cannot be assumed but must rather be examined as a distinct and fundamental component of perceived legitimacy (van Houte et al., 2021). The discussion further suggests that subjective evaluations of outcome and institutional legitimacy among (potential) migrants might be shaped by cultural values, geopolitical histories and relationships, a sense of reciprocal obligation that may characterise the way in which some migrants relate to their (chosen) host state, and by different values or expectations.
associated with the form of migration undertaken. These questions raised for the further conceptualisation and empirical investigation of perceived legitimacy in a migration context highlight the need for a better understanding of normative modes of compliance with migration policy, as well as the implications of these for policy design and implementation.

References


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CHAPTER 8

Conclusions
8.1 Introduction
This dissertation contributes to the emerging literature on the decision-making processes of irregularised migrants over the course of their migration trajectories. The four empirical chapters examine the decision-making of different groups of irregularised migrants, at various points of their trajectories towards or through Europe. Collectively, these studies contribute to a deeper and more detailed understanding of three under-studied aspects of migration decision-making. These are: 1) family-level aspects of decision-making; 2) the role of social, psychological and emotional factors; and 3) the role of policies in migration decision-making. This concluding chapter summarises each of the empirical chapters before discussing the contribution their findings make to existing scholarship, and the questions raised for future research. For convenience, the individual research questions and key findings presented in each chapter are also overviewed in Table 4 below.

Table 4. Summary of research questions and research findings

<table>
<thead>
<tr>
<th>Research question(s)</th>
<th>Key findings</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 4 - How have asylum-seeking families been affected by policy developments along the Eastern Mediterranean route? How has their migration decision-making been affected by these policies?</td>
<td>Families are particularly—and unevenly—affected by border controls; Separation and reunification is a key mobility strategy to overcome constraints; In the absence of timely access to reunification, family members move onwards irregularly.</td>
</tr>
<tr>
<td>Chapter 5 - How does the state’s denial of basic welfare provisions affect the lived experiences and return decision-making of rejected Afghan asylum-seekers in the Netherlands?</td>
<td>The denial of basic welfare does not incentivise return: even in destitute and dehumanised conditions, rejected Afghan asylum-seekers remain determined to stay in the Netherlands or EU.</td>
</tr>
<tr>
<td>Chapter 6 - Why have Albanian nationals sought asylum in Germany? How has their migration decision-making responded to information and uncertainty over the course of their migration trajectories?</td>
<td>The motivations and expectations of Albanian asylum-seekers have been varied, but many have been determined to ‘try their luck’ despite the likelihood of return; Awareness of and responses to policies may change over the course of a trajectory.</td>
</tr>
<tr>
<td>Chapter 7 - What factors shape the (non)compliance of rejected Albanian asylum-seekers with their legal obligation to return from Germany?</td>
<td>EU entry bans encourage compliance with return obligations among rejected Albanian asylum-seekers who are strongly motivated to maintain their access to legal re-entry and labour migration in the EU; The perceived legitimacy of the German asylum system and return order also plays an important role in promoting compliance.</td>
</tr>
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Chapter 4, the first of the empirical cluster, analysed the decision-making of Afghan, Iraqi and Syrian asylum-seeking families in the context of dynamic policy changes introduced along the Eastern Mediterranean route between 2015 and 2019. It provides an exploratory study of the strategies adopted by refugee families in their efforts to overcome restrictions on their movement and access to asylum. Given the lack of legal pathways to seek asylum as a family unit, and left with only difficult, dangerous and expensive irregularised routes, families decide to separate in their countries of origin or in countries of intended transit. They send one or a couple of family members ahead to an intended destination country in the hope of eventually accessing family reunification provisions for those left-behind; and, when faced with uncertain or remote prospects for family reunification, undertake irregularised onwards journeys.

Chapter 5 examined the lived experiences and decision-making of rejected Afghan asylum-seekers in the Netherlands, who, in accordance with national policy designed to incentivise their departure, are denied access to basic protections. The analysis firstly highlights the dehumanising effects of this policy: interviewees described their material destitution, their anguished—and sometimes suicidal—mental states, the shame of their enforced dependency on family and friends, the deterioration of their personal relationships, and their vulnerability to abuse and exploitation. Secondly, the analysis finds that, in spite of their enforced vulnerability and destitution, none of the respondents were willing to accept return. Instead, they continued to resist return procedures and remained determined to stay in the Netherlands or in another EU country.

Chapter 6 explored the motivations and decision-making of Albanian nationals who have claimed asylum in Germany between 2014 and 2018. The findings focus, first, on the multiple factors which motivated Albanian nationals to seek asylum during this period, and their hopes for indefinite residence in Germany. Second, the chapter highlights the key role that hope plays in underpinning the migrants’ decisions to ‘take their chances’, notwithstanding their uncertain prospects as asylum-seekers and the acknowledged likelihood of return. Third, the analysis illustrates how respondents did (and did not) respond to new information gained over the course of their asylum-seeking trajectories, with implications for their (revised) expectations, their decision-making in Germany and their intentions regarding future migration.

Chapter 7 investigated in greater depth the reasons why rejected Albanian asylum-seekers have accepted the negative decisions on their cases and their resulting legal obligation to leave Germany. The analysis finds, firstly, that the threat of a (longer) EU entry ban that accompanies deportation motivates compliance with return
procedures. This finding is interpreted in relation to the specific mobility regime in place for Albanian (and other Western Balkan) nationals, who have real opportunities for (semi-)legal labour migration in the EU, and who therefore do not want to be prevented by an entry ban from taking up such opportunities in the future. Second, the analysis finds that for some rejected Albanian asylum-seekers, the legitimacy that they attribute to the German state and asylum system is also a key motivation for compliance with their return obligation.

8.2 Contributions to the literature
Having summarised the findings from each chapter, the following section reflects in further depth on how these findings extend our knowledge in relation to the three identified research gaps, which provided the overarching sub-questions for this investigation. These were: 1) How do families make decisions over the course of their migration trajectories?; 2) What is the role of social, psychological and emotional factors in migration decision-making; and 3) What is the role of policies in migration decision-making?

8.2.1 Family-level decision-making
In contrast with the dominant focus in the literature on the individual migrant as ‘lead’ decision-maker post-departure from a place of origin, Chapter 4 paid attention to the ways in which families jointly navigate mobility regimes in order to best achieve their migration aspirations. This chapter illustrates how family groups wanting to seek asylum together are particularly affected by the spiralling costs and challenges of irregularised journeys, which have differing impacts on individual family members. Individual family members are likely to have different characteristics – related to, for example, sex, gender and age – which affect their capabilities to navigate the challenges of irregularised migration (such as physical border controls), as well as impacting the opportunities available to them (such as access to assistance or protection for persons with perceived vulnerabilities, or access to income generation opportunities for those who can meet local labour demand).

Families may therefore be disadvantaged by the higher and multiple barriers to their migration as a unit. These may be both cumulative (greater financial resources are needed to fund the journeys of multiple people), as well as particular to different members of the group (for example, where the family includes young children, older people, or people with pregnancies or disabilities). As the decision-making of Afghan, Iraqi and Syrian families presented in Chapter 4 demonstrates, separation becomes a key strategy that families adopt in order to overcome the physical and financial constraints on their movement. Separation allows one or more family members to undertake the irregularised journey in advance of the others – in the hope that, once they arrive at their intended destination, they can bring the rest of the family to safety via formal family reunification procedures. An analysis of family-level decision-making therefore reveals, firstly, the particular constraints, opportunities and trade-offs that families may consider in their migration decision-making; in this case, the possibility of separating in order to overcome policy restrictions – an undertaking that exposes them to immense psychological and physical harm. Second and relatedly, this analysis of family-level decision-making illustrates how families can strategically draw on and deploy the group’s financial, human and social capital in response to specific structural challenges and contingencies that require navigation. Such family-level decisions are taken to maximise their chances of finding refuge together, whilst trying to minimise the risks of their journeys.

The relevance of family considerations in risk attitudes and risk management within decision-making processes is further suggested in Chapter 7 on the decision-making of rejected Albanian asylum-seekers in Germany. In contrast to the rejected Afghan asylum-seekers discussed in Chapter 5, who were largely without close family in the Netherlands, the Albanian respondents had often migrated as families, with young children. As mentioned in Chapter 6, the Albanian respondents had often migrated for the sake of their children’s opportunities and, as discussed in Chapter 7, some parents referred to specific considerations regarding their children’s prospects and wellbeing that affected their decision-making in Germany; namely, their concerns not to subject their children to risky onwards migration, or to the shock of deportation, or to an EU entry ban. These priorities appeared to incline such parents toward a more risk-averse attitude, which further emphasises how the decision-making of family units may be responsive to the particular needs of individual members, and may therefore differ from the decision-making of ‘single’ migrants.

The literature on migrant decision-making has thus far paid insufficient attention to understanding family-level considerations in irregularised migrant decision-making. The New Economics of Labour Migration (NELM) recognises that migration may be undertaken as a household risk-management strategy, or to overcome household credit constraints; and Poole (2021), following FitzGerald & Arar (2018), has recently argued that risk arising from conflict may also be seen within an NELM-type household approach to risk management. As an extension of the NELM approach, the literature on return decision-making has emphasised that return decision-making may take into consideration the left-behind family’s wishes for the migrant and the circumstances of their return, and may have to be negotiated with the left-behind family in order to avoid the negative social consequences of a return
which disappoints family and community expectations (Wanki et al., 2022). This
dissertation contributes to the developing understanding of family-level decision-
making among irregularised migrants in that it focusses on instances of migration
in which the family migrates together (or at least intends to settle in the country
of destination together). The analyses demonstrate that, in such cases, the family
may assess risk differently, prioritise in particular ways, and may have to navigate
the different challenges faced by, and opportunities available to, individual family
members. These considerations have implications for the migratory options that
families consider, and the strategies that they adopt to achieve their migratory
objectives. These chapters therefore offer insights into the particularities of family-
level decision-making and point to the need to better understand how the decision-
making of (would be) migrant families differs from that of ‘single’ migrants.

8.2.2 The role of social, psychological and emotional factors

Central to the high-risk strategy of family separation, and emerging across all
the case studies presented in this dissertation, is the key role that hope plays in
motivating migratory decisions in the face of significant uncertainty, cost and risks.
As Kleist observes, ‘Hope is a tricky concept to pin down, with its simultaneous
vernacular and theoretical usages, ranging from everyday aspirations to eschatology
and existentialism’ (2017, p. 7). Like others, I do not conceptualise hope as naïve
optimism, wishful thinking or simply the expression of desire (Cook & Cuervo, 2019;
Kleist, 2017; O’Brien, 2010). Rather, reflecting on the constrained decision-making
processes of irregularised migrants across different country contexts and at various
moments of their migration trajectories, I am interested in the way in which hope,
as a particular orientation towards the future, creates the capacity for agency – or
is indeed an expression of agency – in situations in which future outcomes are
uncertain and may be mostly or entirely out of the hoping subject’s control. I follow
Kleist (2017) in understanding hope as characterised by uncertainty and by a sense
of potentiality. I consider that, to be hopeful, an individual must foster or maintain
a belief both in the uncertainty of the future and in the possibility that a desired
outcome (however specific or general) may come to fruition. As argued by others, I
therefore conceive of hope as a practice (whether conscious or unconscious) rather
than a feeling that simply arises and is passively experienced (Bryant & Ellard, 2015;
Cook & Cuervo, 2019; O’Brien, 2010).

The significance of hope in the migration decision-making of irregularised migrants
has already been discussed in Chapter 6 and is implicit in the analyses of the decision-
making of the Afghan, Iraqi and Syrian respondents presented in Chapters 4 and
5. For example, Amin, whose decision-making is analysed in Chapter 4, explained
that he and his family left Iraq because reaching Europe via Turkey was their ‘only
hope’ for safety and a better life. Having sent his youngest daughter ahead from
Turkey to Sweden, he emphasised that, after a year of waiting for an interview for
family reunification, the ‘hope of seeing her’ was what was ‘keeping [them] holding
on’ and that he had to hope, too, that his older daughter would still be eligible for
reunification: ‘I have one daughter who is almost 18 years old. I hope she will get the
reunification and go with us, because she won’t be able to once she’s 18.’ Mohib, the
Afghan father who sent his young daughter onwards to Finland with a smuggler,
similarly addressed hope as a factor in his decision-making. He first explained that
he decided to borrow money and move onwards from Turkey to Greece to re-join
his wife and children when he saw there was ‘no hope’ of earning sufficient funds in
Turkey, and he referred to his hope (and faith in God) that he and his family would
be granted asylum in Finland with his daughter.

In Chapter 5, hopefulness did not emerge strongly as a theme in the interview
accounts of the rejected Afghan asylum-seekers. While a few respondents expressed
hope for the future, others seemed to be battling hopelessness, reflected in their
accounts of suicidal ideation or attempts. As discussed in this chapter, the rejected
Afghan asylum-seekers often felt that they had no future and seemed to avoid
thinking in any detail about what they might do in the future. Several respondents
said that they were ‘waiting’ – either for the outcome of their asylum procedure or
appeal, or for the moment when they would be able to submit a new application,
or simply to ‘see what would happen’. When asked what they would do if they
received another negative decision on their case, many replied that they did not
know. Although these responses convey a lack of agency, they also suggest that the
interviewees resisted seeing their futures as already determined by forces beyond
their control, such as European asylum policies and enforcement regimes. Rather,
these comments suggest that the respondents held on to a sense of their futures as
uncertain, in order to keep open the horizons of possibility and thereby, perhaps, to
create the necessary space for hope to persist or be rekindled.

The analyses of decision-making presented in this dissertation do not suggest that
hope is entirely independent of perceptions of structural conditions and resulting
evaluations of the feasibility of realising desired outcomes. Assessments of whether
a country of origin or country of potential destination offered hope based on the
available opportunities – or a lack thereof – for building a secure and dignified
life were clearly central to decisions to migrate or to move onwards (see likewise
Koikkalainen et al., 2020). Nonetheless, as the empirical chapters have demonstrated,
hope can also motivate decision-making to stay or leave in spite of hostile structural
conditions. In situations in which the individual has limited scope for manoeuvre, and few or no courses of action that they consider viable, hope may be drawn on as a psychosocial resource to enable coping in the present, or to motivate decisions which entail high levels of risk or which may seem ‘irrational’ in light of the very low probability of success (Zinn, 2016). In such contexts we might speak of the resilience of hope (McDonald & Stephenson, 2010).

Hope therefore has a particular role in the decision-making of (would-be) irregularised migrants experiencing vulnerability and a lack of acceptable options. As Hayenhjelm (2006) has argued with regard to high-risk decision-making driven by vulnerability: ‘If my reasonable options are few and my outset conditions are poor, I may choose an action if it offers a hope for a change in those conditions opening up future alternatives and options now closed to me’ (p.198). Similarly, Zinn (2016) argues that decision-making based on hope, faith or ideology rather than an ‘instrumental rationality’ may nonetheless be a reasonable and useful strategy to ‘motivate and direct people’s activity when, for example, the future seems bleak and meaningless and beyond individual control’ (p.351). The chapters of this dissertation therefore add to the growing number of studies which have identified hope as a critical factor in migration decision-making (for example, Jung, 2021; Kleist and Thorsen, 2017; Koikkalainen et al., 2020; Thorsen, 2017; see also a recent summary in Hagen-Zanker and Hennessey, 2021); and the findings, informed by Hayenhjelm (2006) and Zinn (2016), have particular implications for our understanding of the role of policy in decision-making, as discussed below.

In addition to the cross-cutting theme of hope, the chapters of this dissertation offer insights into other aspects of the psychological, social and emotional aspects of migration decision-making. Firstly, Chapter 5 discusses the poor psychological health suffered by rejected Afghan asylum-seekers, attributable – at least in part – to the dehumanising effects of national policy in the Netherlands. The interviewees, who had no secure access to basic protections such as shelter and food, and no clear pathway to legal status and associated rights, suffered depression and anxiety related to the stresses of daily survival and their sense of living ‘without a future’. In this state of mind, the respondents often did not engage with an imagined future and, in some cases, did not plan for the future beyond their hopes for another asylum procedure and position decision. It is certainly not clear whether, if the respondents were in better psychological health, they would be more inclined to conceive of a possible future in Afghanistan. Nor should policy – as a basic minimum of human rights standards – seek to remove people to places where they are at risk of irreparable harm, such as persecution, torture, ill-treatment or other serious human rights violations. Nonetheless, the role of psychological health in affecting decision-making capabilities and processes has been given very limited attention (see Leerkes et al., 2010, for an exception) and needs to be better understood. Poor psychological health is likely to affect many other groups of irregularised migrants, who often experience severe challenges and trauma during their journeys and in countries of transit and destination.

Secondly, and also relating to psychological processes in decision-making, Chapter 6 reflects on the ways in which information may be received and processed. Chapter 6 adds further evidence on the ways in which unfavourable information may be dismissed or minimised in importance by would-be migrants who have strong motivations for migration – in this case driven by vulnerability and by a determination to ‘take one’s chances’ for a radically better future. In contrast to prior studies which have tended to focus on awareness and the use of information prior to arrival in a country of intended destination, Chapter 6 also examines responses to information in the country of destination, and upon return to the country of origin. This analysis finds that in a country of destination, migrants may be more accepting of, and responsive to, unfavourable information, as they are in a position to directly experience and observe conditions and policies. This finding adds weight to Mallett and Hagen-Zanker’s recent (2019) argument that information gained through direct experience is likely to have a much greater impact on decision-making, and should be further explored through other case studies and through trajectory methodologies which can more closely trace changes in migrants’ access to, and use of, information.

Third and finally, the significance of legitimacy perceptions is highlighted in Chapter 7, where, for a number of rejected Albanian asylum-seekers, the legitimacy that they attribute to the German state and asylum system played a key role in their compliance with the return orders they received. This chapter therefore contributes to the small but growing number of studies that have demonstrated that perceived legitimacy is one channel through which beliefs, values and social norms may affect migration decision-making. Drawing on recent debates in criminological and socio-legal scholarship, this chapter argues that the factors that shape (potential) migrants’ assessments of the legitimacy of migration governance requires further scholarly attention. Beyond reiterating the relevance of procedural justice, this chapter’s findings give further weight to the significance of institutional justice in shaping legitimacy perceptions (van Houte et al., 2021) and raise questions regarding the factors that contribute to subjective evaluations of outcome and institutional legitimacy among (potential) migrants. In particular, the discussion suggests that, in a migration context, such assessments may be shaped by cultural values, geopolitical histories and relationships, a sense of reciprocal obligation that might characterise
the way in which some migrants relate to their (chosen) host state, and by different values or expectations associated with different forms of migration. These questions require further empirical investigation in relation to different migrant groups, forms of migration and migration policy.

8.2.3 The role of policies

Regarding the role of policies, the different case studies presented in this dissertation clearly illustrate that migrant decision-making is responsive to policies – or at least to the migrant’s perceptions of policies. This is demonstrated in Chapter 4, where opportunities for family reunification become the basis for family mobility strategies. It is similarly substantiated in Chapters 6 and 7, where Albanian asylum-seekers accept the likelihood of an enforced return, acknowledge the costs of non-compliance with their return decisions, and re-orientate their aspirations towards labour migration channels. However, it is also evident that, where deterrent and coercive policies attempt to increase the costs of a certain course of action, these policies will often be ignored and resisted by migrants who persevere in striving to access their rights and meet their own needs via irregularised modes of movement or residence, because they perceive no reasonable alternative to doing so. Such decisions are observed across the case studies examined in this dissertation, specifically:

- Family members without access to family reunification in Turkey, and left-behind women not prepared to wait indefinitely for the uncertain prospect of formal reunification with their partners in EU destination countries, undertake irregularised onwards migration to the EU (Chapter 4);
- Family members not willing to accept the narrow definitions of family according to EU regulations on family reunification similarly undertake irregularised journeys in order to join their family members (Chapter 4);
- Rejected Afghan asylum-seekers do not accept the negative decisions on their cases or the order to leave, and instead resist return procedures and focus on staying in the Netherlands (Chapter 5);
- Albanian nationals without hope for their lives in Albania ignore the high probability of (another) negative decision on their asylum applications and migrate as asylum-seekers anyway (Chapter 6).

By contrast, the role of legal pathways and perceived legitimacy in encouraging compliance with migration policies merits particular consideration, given that these mechanisms offer significant potential for facilitating safer, regular and more orderly migration, but have not been given substantial attention in extant research. As Chapter 7 argues, the real prospects that Albanian nationals have for legal re-entry to, and labour migration in, the EU strongly motivates their cooperation with return procedures. Further comparative research on how other migrant groups respond to entry bans in relation to the different mobility regimes to which they are subject is required to further test this relationship. Moreover, among those rejected Albanian asylum-seekers who attribute legitimacy to their return obligation, procedural justice – in this case, feelings of having been treated with generosity, dignity and respect by the German state – plays a clear role in fostering a sense of duty to comply with the return decision. This finding strengthens the case for investments in making asylum regimes more humane and transparent from the perspective of the individual migrant.

Taken together, and drawing on the findings relating to social, psychological and emotional aspects of decision-making, the chapters of this dissertation therefore make two overarching contributions to the emergent scholarship on the role of policies in micro-level migration decision-making, at various moments of a migration trajectory. First, this dissertation develops the link between the role of hope and the likely effectiveness of policy in shaping decision-making. Following Hayenhjelm (2006), this dissertation argues that an understanding of the role of hope in irregularised migrant decision-making must take into account the conditions experienced by the migrant, and the alternatives that they have available to them. (Would-be) migrants with ‘poor outset conditions’, and who feel trapped by structural constraints which leave them no other pathway to a better future, are likely to continue to invest hope in highly uncertain, high-risk or high-cost migration strategies. This argument has particular implications for the role of policy in decision-making. Studies of decision-making processes have previously emphasised that policies which seek to prevent irregularised migration by providing information on the risks therein are unlikely to decisively change the decision-making of people who perceive no other way of achieving a meaningful life (van Bemmelen 2020; Hernández-Carretero & Carling, 2012). Based on the preceding chapters, I further argue that neither will policy measures that seek to increase the risks or costs of a certain course of action – whether a (new) departure or continued stay – dissuade the most vulnerable. Such policies assume an instrumental rationality which does not adequately account for the role of hope in the decision-making of people who perceive the alternatives as intolerable and hopeless. In such contexts, hope is a ‘reasonable strategy’ for decision-making (Zinn, 2016), which is moreover highly resilient, or even recalcitrant, in the face of punitive and coercive policy interventions.

Second, the present collection of case studies adds empirical evidence to Mallett and Hagen-Zanker’s argument that ‘policies that incentivise matter more than policies
that deter’ (2019, p.175; see also Hagen-Zanker and Mallett, 2022). Drawing also on evidence from Kuschminder and Koser (2017) and Lyberaki et al. (2008), the authors suggest that migrants are more responsive to ‘positive or constructive messaging and actions’ or policies which ‘make things a little easier’ (2019, p.175; 2022, p. 9), or, as I would argue, offer hope or a reasonable alternative. As above, this is demonstrated by the findings regarding the significance of family reunification provisions and access to legal entry and labour migration for the decision-making of asylum-seekers. Moreover, as Chapter 7 suggests, the offer of a reasonable alternative (in this case, the opportunity for legal labour migration), and the implementation of policies which treat migrants with dignity and respect (procedural justice) may furthermore have beneficial spillover effects for broader migration governance, by giving (would be) migrants a stake in the system and a reason to comply with migration controls. In addition to strengthening the argument that ‘favourable’ policies (Kuschminder & Koser, 2017) are more likely to have an impact on migrant decision-making than restrictive policies, this dissertation therefore suggests that (relevant) favourable policies may also encourage responsiveness to policy restrictions (at least where the migrant has a reasonable alternative to non-compliance).

8.3 Policy implications and recommendations

Undertaken at the UNU-MERIT Graduate School, this dissertation is oriented towards the development of good governance. As a study on the experiences of people who have experienced forced displacement and other human rights abuses, it is also beholden to the ‘dual imperative’ to be both methodologically sound and policy relevant (Jacobsen & Landau, 2003). Drawing on the empirical and theoretical contributions to scientific knowledge overviewed above, the following section therefore reflects on the more concrete implications of these findings for policy and advances some specific recommendations for policy development.

Although the wide discrepancy between stated policy aims and policy in practice is by no means a new insight in this field, it is nonetheless firstly important to acknowledge, as Chapters 4 and 5 highlight particularly, the contradictions between multilateral commitments to facilitate ‘safe, orderly and regular’ migration as set out in the Global Compact for Migration and the Sustainable Development Goals and the reality of increasing migration controls encountered by refugees, family migrants and other irregularised migrants (acknowledging that these are overlapping categories), particularly those from the Global South (Cosgrave et al., 2016; de Haas et al., 2019; Hagen-Zanker and Mallett, 2022). These policy restrictions are, as the chapters of this dissertation show, often ignored or resisted by migrants – although at great cost to themselves. An acknowledgement that people have basic rights and needs – which include safety, dignity, an adequate standard of living, and family life – and will continue to migrate in order to fulfil these in spite of restrictions, should open up space for a more realistic and pragmatic discussion of the need for legal provisions to allow migratory movements and residence to take place in a safe, orderly and regular manner. As argued in each of the empirical chapters and further below, these should include accessible channels for family reunification, labour migration, humanitarian visas or corridors for asylum-seekers, and access to basic protections throughout the migration trajectory and regardless of migration status.

As Chapter 4 shows, families fleeing conflict or persecution, and who wish to find safety and a viable future together as a family, continue to undertake irregularised journeys in the absence of legal pathways. In this context, provisions for formal family reunification are a lifeline to international protection and the preservation of family unity. However, particularly in the post-2015 context, restrictions on access to family reunification mean that reunification provisions do not meet the needs of family groups. As Chapter 4 shows, refugee family members are excluded from family reunification due to: the lack of an accessible and reliable procedure (as is the case for refugees in Turkey); narrow interpretations of what constitutes the family unit (as is common in EU Member States); and temporal restrictions (as in the case of Germany’s temporary suspension of family reunification for holders of subsidiary protection status, and the impacts of delays for those applicants who ‘age out’ of eligibility). Where these policy provisions do not offer (timely) access to family reunification, family members undertake irregularised migration instead. Acknowledging the right to family life, and the immense risks and costs to families who face indefinite separation, policymakers should:

- Ensure timely access to family reunification provisions;
- Develop more humane and sensitive eligibility criteria for family reunification, which take into account the social norms and circumstances that shape relationships among family members from different cultural backgrounds, and the particular needs and vulnerabilities that these imply;
- Acknowledge the importance of family unity within policy approaches that seek to share (or externalise) responsibilities for refugee-hosting. Policymakers looking to support the hosting of refugees by neighbouring or other countries should recognise that durable solutions must protect the right to family life, and that families will therefore need safe pathways to reunify in a given third country. Equally, policymakers should not expect left-behind family members to stay in a third country if their close family are already elsewhere.
Chapter 5 examines the impacts of the Dutch government’s policy regarding the non-provision of basic assistance on the return decision-making of rejected Afghan asylum-seekers. This chapter finds that enforced destitution does not motivate return among rejected Afghan asylum-seekers, and that the acute human costs of this policy therefore cannot be justified on the basis of an increase in the return rate. Policymakers should therefore:

- Treat the question of providing basic protections as separate from the issue of enforcing returns, and ensure the provision of basic assistance to irregularised migrants without making such services conditional on cooperation with return;
- Consider the wider use of regularisation mechanisms for irregularised migrants, in order to avoid instances in which people are trapped in long-term limbo and deprived of their human rights.

Chapter 6 explores how Albanian asylum-seekers have responded to information and uncertainty over the course of their trajectories and finds that vulnerability, and the hope for a radically better future, drives asylum-seeking even where the likelihood of a negative decision and forced return is acknowledged. Although the decision to migrate may be made on the basis of very little information, or in spite of unfavourable information, in the country of destination migrants may be more accepting of, and responsive to, information which runs counter to their hopes and objectives. In particular, for those who are open to information that can help them better manage the potential costs and risks of their migration experience, the provision of accurate information (for example, regarding the non-suspensive effect of an appeal process) is vital. These findings suggest that policymakers should:

- Acknowledge that information broadcasted in the country of origin is unlikely to dampen hopes for a successful migration project among people with very limited ability to otherwise improve their situations;
- Address the structural drivers of migration (in the case of Albania, regarding poor economic conditions, social discrimination, and barriers to quality healthcare and education), in order to ensure that decisions to migrate are made as a matter of choice, rather than necessity;
- Facilitate access to labour migration channels as an alternative to economically-motivated asylum-seeking, in particular for those without the social or financial resources to support their job-seeking;
- Ensure the provision of accurate information in the country of destination, particularly where information provision via intermediaries – for example lawyers and translators – may result in misunderstandings and avoidable costs for irregularised migrants.

Finally, Chapter 7 examines the reasons why rejected Albanian asylum-seekers have accepted assisted return and finds that the threat of an EU entry ban which accompanies deportation is a key motivation. In addition to the other costs of a deportation (including the shock and stress of a sudden and police-enforced departure), the perceived legitimacy of the return decision is an important factor for some Albanian nationals. These findings suggest that policymakers should:

- Consider the availability of legal migration pathways as a key tool for promoting compliance with return orders; and therefore expand such legal channels, and ensure their accessibility;
- Pay attention to the ways in which policies and practices shape assessments regarding the legitimacy of migration governance, and, in particular, explore ways to make mobility regimes fairer and more humane from the perspective of (potential) migrants.

8.4 Limitations and recommendations for future research

The exploratory studies presented in this dissertation offer important insights into migrant decision-making processes and empirical evidence for the future development of policies. However, there are limitations to the data in terms of what it can tell us about past decision-making and future behaviour. First, in the context of these single interview encounters, decision-making is narrated retrospectively and may therefore be affected by recall bias. Respondents may not necessarily remember the full details of their past decision-making, or may make sense of or narrate their past decision-making in light of subsequent experiences and concerns (ex post facto rationalisation) (Missbach, 2019; Parry et al., 1999; Robinson & Segrott, 2002). Second, the intentions that the respondents expressed at the time of interview may be indicative, but not fully predictive, of their future migration decision-making (Koser & Kuschminder, 2017; Wanner, 2021). Future research would therefore benefit from a longitudinal design, using repeat interviews or other types of serial data collection in order to more reliably capture the development of migrants’ decision-making and to identify the critical events and junctures therein (Read, 2018; Schapendonk et al., 2020). A multi-sited trajectory approach would, ideally, allow the researcher to better take into account the interplay of structure and agency in the particular geographic contexts in which decision-making evolves. Particularly in order to capture family-level dynamics in decision-making, and the potentially different perspectives, priorities and negotiations therein, interviews could also be conducted with different family members. In light of growing recognition of the norms and values that shape migration decision-making, further research to understand how families make migration decisions over the course of their trajectories should also pay attention to how family considerations are shaped by social norms and cultural values.
The analyses presented in this dissertation would also be enriched by interviews with groups who behaved differently – for example, with Albanian nationals experiencing similar socio-economic conditions in Albania who nonetheless decided against seeking asylum in the EU. There is, more generally, a need for more comparative research on the decision-making of different groups from or residing in the same country, or on the same migration route. Such comparative research designs would allow researchers to gain more nuanced insights into the decision-making of people with different nationalities, ethnicities, socio-economic backgrounds, gender and sexual orientations, and family compositions, among other variables. Whilst large-n quantitative studies can be useful for such comparisons, the preceding analyses highlight the value of in-depth qualitative and exploratory research which may bring to the fore the unintended, incidental, or otherwise unexamined impacts of policies, which nonetheless have significant implications for individual migrants and migration governance.

In terms of the specific questions raised by the studies presented here, further research should investigate the role of social, psychological and emotional factors, including: heterogenous informational behaviours and information processing, and how access to and the processing of information evolves over the course of a migration trajectory; the impacts of mental (ill-)health on decision-making; and the role of legitimacy perceptions and the factors shaping perceived legitimacy in a migration context. In the unique case of the Western Balkans, further research is needed to examine the impacts of the Western Balkan Regulation. This should focus on: whether and to what extent the Western Balkan Regulation has re-directed would-be asylum-seekers into labour migration channels; whether and to what extent it meets the needs of employers, would-be migrants, and local workers; and whether and how the model might be successfully applied to other regions and migration corridors. Comparative research on the role of entry bans in the decision-making of other migrant groups would also allow for the further investigation of the role of entry bans in the decision-making of other migrant groups. Comparative research designs would bring to the fore the unintended, incidental, or otherwise unexamined impacts of policies, which nonetheless have significant implications for individual migrants and migration governance.

Chapter 8 • Conclusions

References


Chapter 8 - Conclusions


APPENDICES
Summary

Migrant decision-making is not simply a one-off decision to leave a country of origin in order to reach a specific destination country. Rather – and particularly when faced with border controls that severely limit opportunities for cross-border movement and settlement – migrants may revisit and revise their decision-making and plans in response to new information, experiences, opportunities and constraints. Migration trajectories may therefore evolve contingently, and may encompass multiple countries, strategies, and both periods of mobility and immobility. This thesis contributes to our understanding of migrant decision-making through an investigation of the decision-making processes of irregularised migrants over the course of their migration trajectories. Put differently, the chapters examine how irregularised migrants – people whose migration takes place outside of authorised channels in some way or for some period of time – make decisions regarding their migration once they have left a place of origin. Such decisions may include whether to stay where they are, whether and how to migrate onwards to somewhere else, or whether to return to the place of origin or another place of previous residence.

Following a review of the extant literature (Chapter 2), and in light of policymaker efforts to selectively attract, prevent, and manage different (potential) migrant groups, three aspects of migration decision-making are given particular attention in this thesis. These are: 1) family-level decision-making; 2) the role of social, psychological and emotional factors; and 3) the role of policies in migration decision-making. The empirical chapters, which draw on data collected in the framework of multiple research projects (see Chapter 3 for the methodology), examine the decision-making of different groups of irregularised migrants in the context of their migration towards, or in, the EU: Afghan, Albanian, Iraqi and Syrian nationals.

The first of the empirical chapters (Chapter 4) analyses the ways in which Afghan, Iraqi and Syrian asylum-seeking families jointly navigate mobility regimes in order to achieve their migration aspirations in the context of dynamic policy changes introduced along the Eastern Mediterranean route between 2015 and 2019. Informed by the literature on ‘social navigation’ (Vigh, 2009), this chapter provides an exploratory study of the strategies adopted by families in their efforts to overcome restrictions on their movement and find refuge together: namely, separation in the hope of later reunification, and irregularised onwards migration when the prospect of formal family reunification seems distant or impossible.
Chapter 5 examines the lived experiences and decision-making of rejected Afghan asylum-seekers in the Netherlands, who, in accordance with national policy designed to incentivise their departure, are denied access to basic protections. In this chapter, the non-provision of basic assistance is conceived of as a bordering technology whereby exclusion from the moral economy is meant to produce ‘deportable non-citizens’ (De Genova 2002, 2013) who can thereby be excluded from the national territory. The analysis draws on a feminist approach to geopolitics to firstly explore the embodied effects of state practices of dehumanisation, highlighting the degrading impacts that the denial of ‘bed, bath and bread’ have on the daily material existence, emotional lives and intimate relationships of rejected Afghan asylum-seekers. Secondly, this chapter examines the respondents’ attitudes towards return and finds that, in spite of the extreme hardship and distress they experienced in the Netherlands, the respondents refused to consider return and were instead determined to stay in the Netherlands (or another EU country).

Chapter 6 explores the motivations and decision-making of Albanian asylum-seekers and focuses in particular on how their decision-making has responded to uncertainty and (new) information over the course of their trajectories. The analysis observes differing reasons for and expectations of asylum-seeking among Albanian nationals and identifies the critical role of hope in motivating asylum-seeking in spite of the likelihood of a negative decision and forced return. Drawing on Hayenhjelm’s (2006) explanation of risk-taking, hope is understood as a response to vulnerability; and as driving decisions to ‘try one’s luck’. The analysis furthermore finds that, in response to new information and experiences in the destination country (Germany), respondents’ expectations and decision-making both did and did not adjust – with implications for their strategies regarding continued stay or return, and for their intentions regarding future migration.

Chapter 7 focuses more closely on the return decision-making of rejected Albanian asylum-seekers in Germany and explores both their instrumental and normative reasons for accepting assisted return (commonly referred to in policy terms as ‘Assisted Voluntary Return’ [AVR] programmes). The analysis finds that the threat of an EU entry ban that accompanies deportation is a primary motivation for compliance with return procedures. The perceived legitimacy that some respondents attribute to the return order also plays a clear role in encouraging their departure. This chapter argues that the significance of an EU entry ban in this case rests on the opportunities that Albanian nationals have for legal re-entry to, and labour migration in, the EU. Secondly, this chapter reflects on the need for a better understanding of perceived legitimacy in a migration context and raises questions for its further conceptualisation and empirical investigation.

The concluding chapter (Chapter 8) draws together some cross-cutting insights from the empirical chapters. Taken together, the analyses illustrate the different ways in which (potential) migrants ignore or resist policy restrictions and persevere in irregularised journeys or residence when they perceive no acceptable alternative. Across these case studies, hope emerges as a powerful source of motivation for undertaking irregularised modes of migration in spite of the uncertainty, risks and costs involved. It is therefore argued that policymakers who assume a purely instrumental rationality in the decision-making processes of vulnerable (potential) migrants fail to acknowledge that, without a reasonable alternative, hope is a non-rational but nevertheless ‘reasonable strategy’ (Zinn, 2016) for dealing with a situation experienced as intolerable and which offers little other scope for manoeuvre. Nonetheless, a comparison across these case studies also demonstrates that migrants are responsive to policies when these offer hope, or an alternative course of action which they perceive as reasonable. These findings provide evidence to support a more pragmatic and balanced approach to migration management, in which legal migration channels for vulnerable people should play a central role.
Impact paragraph

This doctoral dissertation contributes to the emerging literature on the decision-making processes of irregularised migrants over the course of their migration trajectories and has been developed in pursuit of both scientific and social impact. In terms of the dissertation's scientific impact, the four empirical chapters contribute to three under-studied aspects of migration decision-making. These are: 1) family-level aspects of decision-making; 2) the role of social, psychological and emotional factors; and 3) the role of policies in migration decision-making. Regarding the first, Chapter 4 offers an exploratory analysis of family mobility strategies. In contrast to the dominant focus in the literature on the individual migrant as ‘lead’ decision-maker, this chapter pays attention to the ways in which families jointly navigate mobility regimes in order to best achieve their migration aspirations. This chapter illustrates how family groups wanting to seek asylum together are particularly affected by the spiralling costs and challenges of irregularised journeys, which have differing impacts on individual family members. In this context, family separation – with the aim of later accessing family reunification channels – is an adaptive strategy undertaken by families in order to overcome the physical and financial constraints on their movement. Drawing also on insights from the Albanian families studied in Chapters 6 and 7, this dissertation contributes to an understanding of the particularities of decision-making among family groups who (aspire to) migrate together. The analyses demonstrate that, in such cases, the family may assess risk differently, prioritise in particular ways, and may have to navigate the different challenges faced by, and opportunities available to, individual family members. Regarding the second research gap on social, psychological and emotional factors, Chapter 5 firstly suggests the importance of understanding mental (ill-)health as an influence on migrant decision-making processes. Chapter 6 adds to the growing literature on how irregularised migrants may receive and process information. In contrast to the ways in which unfavourable information may be ignored or minimised in importance by aspiring migrants in the country of origin, Chapter 6 finds that, in a country of destination, migrants may be more accepting of, and responsive to, information that runs counter to their hopes and objectives. Chapter 7 adds weight to the small but growing number of studies which have highlighted the role of legitimacy perceptions in migration decision-making and raises questions for the further development of scholarly and policymaker understandings of how the legitimacy of migration policies and practices are assessed by (potential) migrants. Finally, each of the case studies presented in Chapters 4, 5 and 6 illustrate the key role that hope plays in motivating irregularised migration in the context of high uncertainty, risks and costs. Drawing on Hayenhjelm (2006) and Zinn (2016), these analyses develop the link between the role of hope and the potential effectiveness of policy. The dissertation argues that policies that aim to shape the decision-making of irregularised migrants by altering the relative costs and benefits of a particular course of action fail to account for the role of hope in motivating decisions to stay or leave when the decision-maker perceives no acceptable alternatives.

Hope is therefore central to the findings that contribute to developing understandings of the role of policy in the decision-making of irregularised migrants – the third research gap considered in this dissertation. Taken together, the analyses find, on the one hand, that irregularised migrants ignore or resist restrictive policies where they perceive no alternative way of accessing security, dignity and a meaningful life (Chapters 4, 5 and 6). On the other hand, Chapters 4, 6 and 7 find that migrant decision-making is responsive to policies which offer (an alternative) pathway to fulfilling their aspirations, or which treat the migrant with respect and dignity. In particular, Chapter 7 offers evidence on the under-studied role of EU entry bans, and argues that, in the Albanian case, the deterrent effect of entry bans should be seen in relation to the access that Albanian nationals have to legal re-entry to, and labour migration in, the EU. Overall, these chapters add further evidence to the argument that ‘policies that incentivise matter more than policies that deter’ (Mallett & Hagen-Zanker, 2019, p.175) and further suggest that (relevant) favourable policies may moreover encourage responsiveness to policy restrictions (at least where the migrant has a reasonable alternative to non-compliance).

Regarding social impact, Chapters 4 and 5 highlight the contradictions between multilateral commitments to facilitate ‘safe, orderly and regular’ migration as set out in the Global Compact for Migration and the Sustainable Development Goals and the reality of increasing migration restrictions and risks imposed on migrants who are excluded from legal migration channels, and thereby from accessing their fundamental rights. Collectively, the findings from Chapters 4, 5 and 6 urge an acknowledgement that people have basic rights and needs – which include safety, dignity, an adequate standard of living, and family life – and will continue to migrate in order to fulfill these in spite of restrictions, unless they are offered a reasonable alternative. It is hoped that this evidence should open up space for a more realistic and pragmatic discussion of the need for legal provisions to allow migratory movements and residence to take place in a safe, orderly and regular manner, including via family reunification, labour migration channels, humanitarian visas.
or corridors, and basic protections for irregularised migrants throughout their migration trajectories. In addition, Chapter 7 offers further evidence in support of the expansion of legal labour migration channels, by demonstrating how such access has promoted compliance with return obligations among rejected Albanian asylum-seekers. The findings on the relevance of perceived legitimacy furthermore suggest that policymakers should pay attention to the ways in which policies and practices shape assessments regarding the legitimacy of migration governance, and should therefore explore ways to make mobility regimes fairer and more humane from the perspective of (potential) migrants.

### About the author

Talitha Dubow (9 June 1992, Brighton, United Kingdom) is a Researcher at the UNU-MERIT Graduate School. Her research focuses on migrant experiences, decision-making and trajectories, and the impacts of policies on these. In this role, Talitha has worked on studies funded or commissioned by the European Commission; the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ); the International Organisation for Migration (IOM) The Netherlands; the Research and Documentation Centre (WODC) of the Dutch Ministry of Justice and Security; the World Food Programme (WFP); and the Worldwide Universities Network (WUN). Before joining the UNU-MERIT Graduate School, Talitha completed an MSc in Public Policy and Human Development at UNU-MERIT and Maastricht University, while also working as a Research Assistant at the Maastricht University School of Business and Economics, focusing on refugee entrepreneurship. Prior to moving to Maastricht, Talitha worked as a Research Assistant at RAND Europe, Cambridge, where she worked on topics spanning innovation and entrepreneurship, civic engagement and political participation, and counter-radicalisation and violent extremism. Prior to starting her research career, Talitha graduated from the University of Cambridge with a bachelor’s degree in Modern and Medieval languages (French and Spanish), and worked in intern and volunteer roles for NGOs working with communities in Colombia, the Dominican Republic and France.
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