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Coerced return: formal policies, informal practices and migrants' navigation

Zeynep Sahin-Mencutek [a] and Anna Triandafyllidou [b]

aBonn International Centre for Conflict Studies, Bonn, Germany; bCanada Excellence Research Chair in Migration and Integration, Toronto Metropolitan University, Toronto, Canada

ABSTRACT

This article raises two questions: (1) how do formal policies and informal practices intersect in coercing returns of migrants without legal immigration status, refused asylum seekers and those unlikely to get asylum? (2) how do migrants at risk of return navigate the coercion they are exposed to? Focusing on the entanglement of formal and informal practices, we develop a typology of involuntary returns, distinguishing among pushing, imposing, and incentivising policies and practices. This typology invites us to see nuances in the forced and voluntary return dichotomy because coercive practices of implementation are embedded in all these types, but the level of coercion varies in different situations. The paper also investigates how migrants exercise agency by contesting/resisting or complying with the return procedures. The article contributes to the scholarship on returns by unpacking formal and informal policy and practice dynamics and migrant agency. Empirically, the paper is based on observations and documentation of practices derived from field research and 97 interviews conducted with returnees from EU countries and Turkey to Albania, Syria, Iraq, and Afghanistan between 2018 and 2023.

Introduction

Two Iraqi returnees mentioned their migration journey. one explained: 'I could not believe my wife died; we were nearly at the Greek coast!' 'our hopes and dreams died with her' in that 'disaster, only 10 out of 30 survived when the boat carrying us ran out of fuel, a big wave capsized the yacht'. After the incident, Ahmad decided to stay with his three children in Lesbos, Greece, hoping to get residency. After a year in the camp, where life was difficult and unbearable, and there was no result for their asylum case, he asked the officials to help them return to Iraq's Kurdistan region through the International Organization of Migration (IOM) voluntary return program in 2016.

In the same year, another Iraqi person who left Iraq with his two minor brothers shared his story. At night, when they would take on the boat from the Turkish shore, he sensed that 'something bad would happen' as 'the boat was full of people', he added that 'I did not

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want to get on', but 'the smugglers threatened me with a knife'. Only 15 in this boat survived that night, including Kasseem, but not his two brothers. After the tragedy, survivors were sent back to Turkey and then to Iraq. He stayed in Turkey until he lost hope of finding his brother's corpse, and then he applied to IOM for voluntary return assistance.

The 'return' of people like Ahmad and Kasseem, who are most likely categorised as irregular migrants in official discourse, legal documentation and migration databases, is an important priority for policymakers in the European Union (EU) and hosting countries of Europe, Asia, Africa, and elsewhere (e.g. AU 2024; EC 2023; Migration Network 2023). In their cases, returns are formally considered voluntary and assisted. Voluntary return is a formal policy defined as 'the assisted or independent return to the country of origin, transit or third country, based on the free will of the returnee' (IOM 2019, 12). IOM underlines that

> voluntariness is assumed to exist if two conditions apply: freedom of choice, defined by the absence of physical or psychological pressure programme and informed decision which requires the availability of timely, unbiased and reliable information upon which to base the decision. (IOM 2019, 13)

However, the actual practices in the implementation deviated from the formal policies because these returns, which are voluntary on paper, can be quite often coerced, mainly if the migrant is in an irregular situation and has been previously caught by border enforcement authorities or police due to illegal border crossing, lacking a proper residence permit or working without a permit. In these situations, migrants lack the freedom of choice and cannot make informed decisions, unlike what is stated in the policy texts. Besides, some returns also take place through formal enforcement procedures. These include expulsion when a decision is handled to the person ordering them to leave the country within days; removal when the expulsion is forcibly executed and the person is deported; and readmission to the country of origin or a previous transit country in line with a related bilateral agreement (e.f. European Return Directive 2008).

Several informal practices are embedded in implementing these formal policies and procedures. Critical scholars, including ourselves, problematise the complex labellings and policy categories around returns (Cleton and Chauvin 2020; Spathopoulou, Carastathis, and Tsilimpounidi 2020), particularly 'the wide usage of the notion of "voluntary return" under the pretence of free will while actually, such returns involve coercion and castigation, structural violence and abuse' (De Genova and Tazzioli 2022, 856).

This paper focuses on coercion in returns, notably expulsions, deportations, removals and assisted returns. It investigates the complex ways these returns occur and unpacks the formal and informal policy and practice dynamics within them. It contributes to previous critical research on return by challenging the dichotomies between formal/informal and voluntary/forced. In this paper, we are particularly interested in the interaction between formal and informal policies and practices in implementing coerced returns and in the capacity of migrants to exercise human agency and resist or 'navigate' (Triandafyllidou 2019) such coercions.

Building on the above analytical observations, this paper develops three related arguments. First, we develop a typology of involuntary return mechanisms. The typology unpacks the theoretical dimension of coercive power into three specific elements: pushing, imposing, and incentivising returns. This typology illustrates that the returns

of irregular migrants, refused asylum seekers, or temporary protection holders are coerced – 'force' is embedded in all returns. However, the level of informality in return practices, in our case coercion, involved in different situations varies. The typology invites us to consider nuances in the forced and voluntary return dichotomy.

Second, we highlight how formal and informal practices are brought together by the actors involved in strategic ways to achieve their desired outcome, notably the implementation of the returns within each of these mechanisms. The informal practices, which complement the formal ones, tend to be implicit and hidden from the public eye to the extent possible but are rarely entirely illegal. Though deployed strategically, they are functional in achieving the desired outcome – the forced return. While coerced returns promise to restore 'order' by expelling or removing the unlawfully staying aliens, they involve a confusing situation, a mess. Mess is also strategically deployed because it brings flexibility in policies and practices that allow the implementation of coerced returns, at least for deterrence and border control, in the context of increasingly dynamic migration flows.

Our third argument is that migrants 'navigate' these return mechanisms aspirationally and negotiate with multiple intermediaries, including smugglers, border guards, officers, lawyers, NGOs, migrant co-ethnic or co-religious communities, and family. Their agency develops both through contestation and compliance pathways. It should be underlined that both pathways may not be long-lasting; for example, migrants contesting pushback may comply with the return order later. These are somewhat shaped by structural and personal perceptions and conditions in which the temporal aspect is essential.

This paper is organised as follows. We start with a conceptual discussion on formality and informality and review the complex return situations that our interviews revealed. Section two introduces our typology of return governance mechanisms: notably pushing, imposing and incentivising returns. In the following three sub-sections, we examine how various return policies and practices contribute to these mechanisms, including migration 'partnerships', readmission processes, and assisted voluntary returns. We also explore how migrants navigate these mechanisms, trying to resist or comply. We thus seek to analyse both empirically and pin down theoretically what formality and informality are in this process.

Formality, informality and complex returns from the perspective of messy governance

Scholars of migration, refugee and border studies use the concept of informality to define ways in which migrants navigate mobility or immobility (Uberti 2021), how they engage in informal labour relations for self-reliance, how they build informal support networks for social protection and as a survival strategy (Visser and Guarnizo 2017). Informality is also attributed to a 'functional and analytical value as a condition and process underpinning the migration industry and infrastructure' (Ho and Ting 2021, 944) as well as one feature of volunteering and solidarity initiatives targeting migrants (Witcher and Fumado 2021).

The role of informality in migration governance has not been sufficiently theorised. One reason is that the 'ability to speak confidently about informality in migration governance is limited by a paucity of reliable and comparable data' (Vigneswaran 2009,

2). Researchers only observe some facets of informal practices, such as corrupt behaviour by officials in asylum processes, usage of threats by state officers, or surveillance of internal mobility on the one hand, document fraud or bribing officers by migrants or informal migrant industry on the other (Vigneswaran 2009). As argued by Maria Koinova, 'a mixture of formal and informal arrangements can also be used to govern indifferent realms facing migrants' irregularity' (2024, 4).

Recent studies conceptualising informality invite us to consider how highly ineffective migration policies enable informality to address contradictions or gaps in the existing policies and practices. Maria Koinova argues that informal relationships serve as a device that binds social and operational relations among various actors and centres, creating a 'polycentric ordering' (2022, 18). As noted in the introduction of this special issue contribution, 'it becomes clear that informal arrangements to govern cross-border movements have become increasingly common in interstate relations, bureaucratic procedures, and among non-state actors' (Koinova 2024, 5). Similarly, in the field of return governance, both formal and informal policies and practices operate at the same time, giving destination countries considerable flexibility in adapting to geopolitical shifts; for instance, is documented by Mielke (2022, 13) in her analysis of how Pakistan governs Afghan returns. The interaction between formal and informal is intense, creating both bureaucratic and non-bureaucratic forms to speed up deportations in particular sites, such as accommodation/removal centres for asylum seekers and 'irregular migrants' (Fakhoury and Mencütek 2023; Sipos 2019).

Building on these recent theorisation attempts regarding the role of formality and informality in different scales, such as regional (Koinova 2022) and national (Mielke 2022; Sipos 2019 local), we suggest that formality and informality intersect in governing returns leading to a sort of 'messy governance' (Triandafyllidou 2022) rather than a 'comprehensive', 'effective' 'sustainable' governance approach or safe and orderly migration as claimed by the policymakers. This is not just a local or national pattern but a general one. As we show in this paper, such practices are widespread in different countries in Europe and its neighbourhood. This 'messiness' in returns is intentional, not unexpected, because formal policy instruments such as legislation, regulations, and standard cooperation instruments like bilateral or multilateral agreements constrain the actions of governments that seek to effect 'voluntary' returns through coercive practices. Under these conditions, actors seek to strategically deploy ambiguous techniques in the grey area between formal and informal to achieve their objectives.

Empirical insights for typology development

Empirically, the paper focuses on the governance of coerced returns by the European countries – mainly EU member states and Turkey. Beyond desk research on relevant policy and legal documents and scholarly literature, the paper is based on observations and documentation of practices derived from field research and 97 interviews conducted with returnees from 2018 to 2023. Our interview dataset includes 97 interviews with returnees from four countries of origin: Syria ($n = 23$), Afghanistan ($n = 17$), Iraq ($n = 23$), and Albania ($n = 34$). These migrants arrived in Turkey, Greece, Germany, Sweden, and other European countries between 2014 and 2020 and were coerced to return to their origin country between 2018 and February 2023.

The interview sample covers returnees with different reasons for migration and legal status abroad, such as refugees under temporary protection, irregular migrants, and rejected asylum-seekers. The countries of origin selected for the study were the primary source countries of asylum seekers and irregular migration during 2015–2016 (Eurostat 2016). The sample also includes those who failed to cross from Turkey to Greece and then returned from Turkey to Iraq, Syria and Afghanistan. The number of male interviewees in the dataset is higher than that of women, except for Albanian returnees, 22 women and 12 men. Most interviewees were married at the time of the interview, and their ages were between 25 and 46. Their socio-economic status varied greatly. Nevertheless, most were from low or low-middle-income families. Interviewees were identified through snowballing and collaboration with local researchers. Interviews and background talks were also conducted with dozens of experts in the origin countries, including staff at international NGOs, local community organisations, lawyers and government agencies (Mielke 2023; Şahin-Mencütek 2023a; Vollmer 2023). This paper offers a systematic reflection and meta-analysis of these interviews, intending to critically investigate how returns are implemented and how they can be categorised. Nevertheless, we do not claim to have a statistically representative sample.

The stories of many returnees we interviewed inspired us to think about the coercion element embedded in voluntary returns and the entanglement of formal and informal in the actual practices. Most returnees did not wish to 'return' but were coerced one way or another. This defies distinctions between voluntary and forced return as a dichotomy and points to a continuum starting with a spontaneous voluntary return out of despair with one's situation to accept return after a refused asylum decision, to resist a coerced return and being deported and staying as irregular migrants. Interestingly, few of our interviewed returnees had formal negative asylum responses; for example, only four out of 35 Albanians received a rejection decision. A similar observation is also relevant for Iraqis. Some did not get a formal response but had waited too long under dire conditions. They observed others receiving negative responses or were told by their lawyers that they did not have a chance to get status. This group also includes some who started an appeal process with the help of lawyers but were still rejected, or their processing lasted too long, and they lost hope and hence decided to return.

Almost half of our interviewed persons (33 out of 68), who returned from European countries, had applied and received some return assistance like transportation support or small cash after they verified that they were unlikely to get asylum. These put them formally into the 'voluntary return' category on the official documentation as they benefited from the voluntary assisted return programs. The number of returnees getting assistance is higher for Iraqis and Albanians than for Afghans – some 15 Iraqis out of 23 and 14 Albanians out of 35 received assistance. Many Albanian citizens who accepted assistance and were seen as voluntarily returned were concerned about receiving a 5-year entry ban if they did not comply with the coerced 'voluntary' return. Two Albanians said they were given an entry ban despite opting for 'voluntary return'. Some Iraqis and Albanians who had returned from Greece, Germany, the UK, and Sweden explained that they decided to return because they lacked access to fundamental rights of residence, work, or family unification, as their cases had been in process for years. At least six Iraqi and two Albanian returnees reported being 'very tired of and frustrated' due to prolonged waiting for their asylum decisions and losing their hopes' in the process.[1] Some explained their

reception of voluntary return assistance with the lack of other options after ensuring they could not secure asylum. Few said they wanted this assistance to finance their return flight or get a little cash to restart life upon returning; only three out of 33 who got assistance received little money for a start-up job. Few interviewees – 4 Afghans out of 10 and 6 Albanians out of 35 – were deported from European countries. They defied the leave order by staying in the host country until the police came to their accommodation at night and put them on a deportation flight.

Typology of return mechanisms

Building on the varied experiences of the interviewees, we propose a typology of return forms that will help disentangle how returns are implemented. We define three mechanisms of return governance: pushing, imposing, and incentivising. All three mechanisms involve formal and informal policy instruments and practices (see Table 1 below); what differentiates them is the level of coercion and how informality is strategically deployed to achieve the desired outcome.

We suggest focusing on practices as units of analysis rather than actors. As practice-oriented scholars propose, 'such a view understands governing as an activity and foregrounds the relational (i.e. continuously emerging) nature of governance arrangements', and it shows 'how governance efforts materialise in and through practice' (Koinova et al. 2021, 1999). It also enables us to pay attention to the ad hoc initiatives and informal practices that stretch the limits of rules, occur in political and judicial grey zones, and emerge when actors flexibly assign value to specific laws (Koinova et al. 2021; Mielke 2022). An emphasis on formal and informal practices helps understand the significant features of messy governance processes in the return field, such as the lack of order, ambiguity, experimentation, the emergence of new institutions and governance arrangements and relationships among multiple actors.

Pushing returns refers to enforcing returns of refugees and migrants 'back over a border – generally immediately after they crossed it – without consideration of their circumstances and without any possibility to apply for asylum or to put forward arguments against the measures taken' (ECCHR 2020). **Imposing returns** means officially forcing an order to leave that has to be obeyed by the 'irregular' migrants or refused asylum seekers. In contrast, their stay in the country of asylum or transit is deemed 'illegal'. Migrants may be

Table 1. Types of Return Governance and related formal and informal practices.

Mechanisms	Type of Coercion	Formal policy instrument	Informal Practices to implement policy
Pushing returns	Total coercion	Strict border controls at the first arrivals	Pushbacks, impeding admission and asylum claims
Imposing returns	Formal coercion	Dublin regulation of the EU; readmission agreements; administrative detention for returning; deportation; mass voluntary repatriation	Detention and deportation forcing to sign 'voluntary' return document
Incentivising returns	Informal coercion	Assisted voluntary return and reintegration programs	Withholding aid and provision of essential services, closing camps, limiting access to registration procedures, overall abandonment; offering cash or in-kind aid for return and reintegration processes

coerced to return or persuaded even if unwilling to do so. Imposing returns may occur through formal readmission or expulsion of a given migrant and their family. However, imposing a return may also involve a mass voluntary repatriation of people who lack protected status and are deemed irregular migrants. **Incentivising returns** refers to persuading refused asylum seekers or migrants without regularised status to 'voluntarily' return by offering some financial assistance. Some practices, such as dehumanising migrant by restricting their access to fundamental rights or closing camps, are used both for imposing and incentivising returns. Hence, there might be some overlaps and blurriness among mechanisms, which will be revisited in the discussion section.

Migrants subject to these return mechanisms may react by complying or contesting. We refer to compliance when a migrant accepts to return to the origin or transit country without completing the individual migration project. We refer to contestation when a migrant resists, for instance, escaping, absconding, submitting a different application, bribing, or mobilising the support of other actors to avoid the coerced return. These mechanisms will be elaborated further with examples in the following sections. A summary of them is in the following table.

Pushing returns – total coercion

The formal policy of irregular migration control and border management is the basis for pushing returns'. However, our notion of 'pushing' returns focuses mainly on the informal – and illegal itself – practice of pushbacks. Pushbacks have been reported at several locations of the EU's external borders, including along the Western Balkans route and in the Western, Central and Eastern Mediterranean. Pushbacks are aimed to prevent migrants from effectively entering the country's territory and, hence, impede their access to admission and asylum claims. We call this total coercion as the migrant has no possibility of contesting, resisting or avoiding the coerced return, notably the pushback.

Beyond the immediate objectives of pushback operations, using a wide range of informal and illegal practices signals how governance creates a 'mess' instead of imposing 'order' at the border. National border guards, customs, and police often implement pushbacks. The European Border Agency, Frontex, has also been implicated due to its role 'to provide member-states with the necessary support in organising joint return operations'. (Frontex 2004). The cooperation between Frontex and third countries raises questions about the legality of the information exchanges, the EU's adherence to the rule of law and the accountability and transparency of such operations (Strik 2020). The pushbacks involved physical violence at the actual border, violations of human rights and the rule of law, absolute disrespect for the non-refoulment principle and several accounts of informality (Ho and Ting 2020).

Empirical data offer much specific evidence. Many refugees living in Europe and Turkey mentioned how they were informally pushed back at borders in the Balkans (Hess and Petrogiannis 2020, 44). Many pushbacks also happened to Syrians, Iraqis, and Afghans during several border crossings. The common phrases we heard in the interviews include 'Our group were pushed by soldiers at the border' and 'We tried again when smugglers told us it was a good time to move onward'. The Afghani man's experience below is not a rare occasion, he said:

> After several attempts and trying hard, I could cross the border into Turkey. The Turkish police beat us, broke my hand, and deported us to Iran. After spending time in Iran, we attempted to cross the border to Turkey. We got stuck between the Iranian and Turkish border, where border guards from each side fired on us. Finally, we could enter Turkey and were again apprehended by the Turkish authorities and deported. (Interview 17, Afghanistan, 25.02.2023)

These statements show how informal practices for pushing returns on the borders impede asylum applications from the very early stage. As these statements belong to those who finally accessed the destination country despite being pushed several times to return, they also signal the messy deployment of practices. These statements also show how migrants contested and resisted the pushbacks by, for instance, making multiple attempts to re-cross the border after the initial failed attempts or by crossing through perilous mountainous terrains or forests to evade shooting and arrests. Some also had to endure violence (e.g. 'beating') when caught by the authorities. A statement of one interviewee was exemplary:

> I went to Germany illegally by way of Turkey for one year and a half; I tried three times till I could pass the Turkish border for Bulgaria, where they arrested me for five days and hit me in prison. (Interview, Iraq, 14.10.2021)

Some other informal contestation practices of migrants are traceable in times of waiting. Those with less financial resources engage in informal work at a transit point to save money and pay a smuggler to get them across through different routes. Several Afghani interviewees in our database saw no hope of returning to Afghanistan or Iran despite their fear of detention and deportation in Turkey. An Afghan respondent in Greece explained his journey:

> I agreed with the smuggler to go to Iran and work there to repay him. I stayed there for nine to ten months. I worked there to repay the smuggler. In Iran, I was not safe. If you get caught working, you will be deported back to Afghanistan. [...] Because of this, I found some other guys coming here, some guys I knew. So, I decided to leave. (cited in Hess and Petrogiannis 2020, 62)

In some cases, the frustration with pushbacks and violence in several sites of entry and accommodation might drive a return decision, mainly observed among Iraqi Kurdish returnees from Greece. Pushbacks of dinghies have sometimes led to loss of life and family tragedies that eventually led the remaining family members to decide to return. This was the case of three families in our database that returned from Turkey to Iraq after their attempted crossing to Greece, which led to several family members' deaths. Such tragedies were reasons for other migrants to give up and decide to return, fearing the risks involved in crossing the sea on board overcrowded dinghies. While pushing returns happen on the way to the final destination, particularly during the border crossings, imposing returns emerge after one has arrived at their desired destination in multiple locations, as discussed below.

Imposing returns – formal coercion

Regarding the imposition of returns in the EU, two formal policy instruments are critical: the Dublin regulation, which determines that an asylum claim needs to be processed at the first safe country of arrival and readmission agreements with third countries, either of the origin or of transit. Dublin Regulation (2003, 2013) is based on the rule that if a

migrant seeks asylum in another country and their fingerprints are found in the EURODAC (European Asylum Dactyloscopy) Database that collects data on asylum seekers and irregular migrants, they are returned to their first safe country of arrival. The second instrument, readmission agreement, is formally defined as an 'agreement between two or more countries laying down the framework and procedures for the prompt and orderly return of irregular migrants to their country of origin or to a country through which they have transited' (European Court of Auditors 2021, 74). While Dublin is an attempt to put an order to mess return governance through regulating internal cooperation among EU members, the readmission agreements are for external cooperation of the EU.

Cooperating through readmissions is a formal policy priority for the EU and other European countries like the UK, Norway, and Switzerland, but this policy is difficult to implement fully. The third countries with the most unreturned irregular migrants and transit countries avoid signing legally binding formal readmission agreements despite prolonged and repeated negotiation rounds and the European Commission's (EC) usage of positive and negative incentives (Cardwell and Dickson 2023). The reluctance of origin and transit countries (e.g. Morocco, Tunisia, Nigeria, Pakistan, Afghanistan, Bangladesh) motivated EC after 2015 to start negotiating non-binding readmission arrangements, which are labelled as deals, statements, standard operating procedures, memorandum of understandings, mobility partnerships and joint declarations (Cortinovis 2018). Some well-known examples include the EU-Turkey deal in 2016, the Joint Way Forward with Afghanistan in 2016, the EU-Bangladesh Standard Operating Procedures for the Identification and Return of Persons Without an Authorisation to Stay (2017), Draft Admission Procedures for the Return of Ethiopians (2018). Meanwhile, the EC created several mobility partnership instruments to bring returns and readmissions to the negotiation table along with other issues (Cardwell and Dickson 2023).

The literature on readmission and deportation from Europe is well established, while there is increasing attention on exploring informal components. Some scholars argue how formal and informal features are intertwined in such readmission arrangements, confirming the strong tendency for 'a process of informalization in the field of return' (Molinari 2021), 'the informalization of EU's return policy' (Slominski and Trauner 2018) and 'informalising EU readmission policy' (Cassarino 2017). In line with Cardwell and Dickson, we also conceptualise this as a formal informality, which refers to 'the appearance of formality, insofar as resembling familiar or established tools (regulations, directives, international agreements), but lacking the procedural safeguards, transparency and classification provided by law and legal processes' (2023, 2). The executive often concludes the readmission arrangements in non-transparent ways without general public and parliamentary oversight; they contradict the constitutional principle of the EU legal order, the rule of law (Carrera, Vara, and Strik 2019). Such readmission agreements inherently challenge principles of democratic and judicial accountability on the one hand and violation of European and international human rights standards on the other (Strik 2019).

These arrangements achieved more progress than in concluding readmission agreements (European Court of Auditors 2021, 20). They provided 'quick fixes' for cooperating with third countries, avoiding defection and speeding up the readmission process. However, such deals do not necessarily contribute to putting order into the messy

return governance; instead, they make it messier, at least on two grounds. First, as Molinari noted, 'notwithstanding their common readmission objective, the Union and its Member States have acted in an uncoordinated manner, negotiating a multitude of formal and informal readmission deals in parallel' (2021, 270). Then, the return regime is populated with an extensive set of bilateral and multilateral, binding, and non-binding cooperation instruments on readmission (Molinari 2021). As examined in the contribution of Borrelli and Lindberg, informality is used to create issue linkages in international negotiations over migrants' deportability.[2] Second, the non-binding arrangements' legal nature is uncertain, and the presumed practices often contradict the main principles in the refugee protection regime, such as non-refoulment, the safe-country concept and human rights (Strik 2019).

Besides formal and informal arrangements for the imposition of return, it is critical to zoom in on how migrants navigated practices via contestation and compliance. Regarding the resistance to implementing Dublin Regulation procedures, some mentioned how they somehow managed to leave these places again and continue their journey toward their desired destination after several attempts, sometimes by splitting up families. While others accepted imposition differently. An Iraqi man reported how he refused to go back from Swedish authorities' order for the return to Italy, where his fingerprints had been recorded in 2016, and then had to accept returning to Iraq (Interview, Iraq, 22.09.2021).

For the imposition through readmission, the implications of the formal EU-Iraq partnership agreement and the Iraq-Germany memorandum of cooperation on repatriating Iraqi refugees can be illustrative (Mielke 2023, 10). An Iraqi returnee mentioned:

> I could not get any residency or work permit in Germany … it was an agreement between the Iraqi government and Europe to deport any refugee who has not secured residency. They said they would take care of us in Iraq. They sent us directly to Iraq, and we were around 90 refugees … . (Interview, Iraq, 07.10.2021).

Germany invested significantly in return and reintegration programs by financing several governmental and non-governmental organisations in Iraq (see Mielke in this SI). The experimentation was somehow 'successful' as some returns occurred. However, the 'crisis' in the Belarus-Poland border due to the flights bringing hundreds of Iraqis in the summer of 2021 signalled that the 'success' was short-lived (see Koinova's contribution).

Although there were readmission arrangements between the destination and origin country, as in the case of Iraqi and Afghan migrants, many people on the move resisted by waiting 'for the right time' while enduring inhumane conditions and legal limbo imposed by reception practices. Inevitably, informality emerges in multiple sites as a part of an everyday and episodic component of survival strategy for those who entered a country undocumented or whose visa had expired. In particular, Afghani interviewed in European countries and Turkey described how they had to work in precarious, daily paid informal jobs, stay in crowded informal housing, and move from one place to another to be invisible. Avoiding state control checkpoints at specific times of the day was one of the mechanisms for resisting. Other strategies for internal mobility include not going out of one's accommodation and refraining from using public spaces like parks, city centres, or public transportation, in which more police controls occur.

Many also avoided going to hospitals or state offices wherever they might be asked for identity cards (Hess and Petrogiannis 2020, 67).

Not all migrants were able to resist imposed returns. Many had to comply even if they did not wish to return. Interviewed Iraqis and Albanians who returned from Germany, Sweden and the UK due to the rejection or prolongation of their asylum application used similar phrases in their story: 'I [was] refused several times', 'had no chance to stay', 'stayed in camps up to several months/years without any positive decisions'. In our dataset, there are also five Syrians and seven Afghans in Turkey who had been forced to sign 'voluntary return' forms after their apprehensions and were subsequently deported. One Afghan returnee explained:

> I could enter Turkey from Iran. At first, things were good. However, I did not have a registration card and thus could not move freely. While securing a registration card, I was arrested by the police and sent to the camp [detention centre]. They distressed and emotionally blackmailed us and forced us to sign the consent form to return. (Interview, Afghanistan, 25.02.2023)

Contestation strategies, even formal ones such as hiring lawyers for appeals, might put migrants into more episodic informalities and do not avoid final compliance with the return order. One Afghani rejected asylum seeker explained his experience:

> They rejected my asylum application for the second time. I hired a lawyer to help me with my asylum application. It was costly. I worked very hard to pay him. The lawyer advised me to find an Austrian girl and marry her. I could not do that. I found one guy to arrange marriage, but it went poorly. My asylum was rejected. I was ordered to leave the country. I tried to contact humanitarian agencies, including religious institutions like the church, but no one could help me with my asylum application. Finally, the Austrian officials came and arrested me. They took me to the detention centre. Then they deported me to Kabul. (Interview, Afghanistan, 04.07.2022)

His deportation and that of many others occurred after arrest and detention. He was coerced to return. Such coercion contributes to deterring others who may be in a similar situation, as an Albanian woman explains:

> Initially, we got a positive reply from the migration office about our asylum application, allowing us to stay in Germany for one year. However, after one year and some months, we received a negative reply, asking us to leave Germany immediately; otherwise, we would be deported. My husband did not want to leave, but I insisted on leaving because I heard from other Albanians that 'the German police went to the house of those who did not agree to leave voluntarily and took everything, confiscating their money. Hence, we decided to return ourselves' (Interview, Albania, 29.07.2021).

This Albanian family applied for assistance for return, another common return mechanism discussed below.

Incentivising returns – informal coercion

Incentivising return is also one mechanism in our typology. The EU's most famous formal policy instruments for return governance are the Assisted Return (AR) and Assisted Voluntary Return and Reintegration programs (AVRR). They are considered ideal return instruments to maintain the credibility and sustainability of the asylum system and develop a humanitarian solution for irregular migrants and a way to develop origin

countries (EC Strategy 2021). These programs offer migrants incentives to return voluntarily. They have become Europe's central migration management tool (Lietaert and Gorp 2019). Mainly, IOM operates AVVRs with the funding of interested European states and the partnering of local NGOs in implementation (Sahin-Mencutek 2023b). Non-EU countries (UK) have national AR programs (Home Office 2021). Currently, efforts, such as capacity building and knowledge transfer, exist to establish national voluntary return mechanisms directly in transit countries such as Turkey (Mencutek 2022).

Despite the formality of ARs and AVRRs, their implementation embeds significant levels of informal coercive practices. ARs and deportations are frequently viewed as two different return policies by implementers. However, scholarly research argues that there is a continuum between ARs and deportation and that they form part of the continuum of humanitarian border enforcement (Bendixsen 2020). Practices, mainly offering AR to migrants in detention facilities, illustrate that voluntariness and assistance principles are conflated (Spathopoulou, Carastathis, and Tsilimpounidi 2020), while the formal and informal lines are blurred.

Many scholars put the AVRRs closer to the informality side in the formal-informal spectrum, calling them soft deportation (Leerkes, van Os, and Boersema 2017). In-depth case studies show that return counsellors are designed initially to ensure that migrants make informed decisions and voluntarily return (Kalir and Wissink 2016). As recalled in our interviews with NGOs involved in returns, there are mixed implementations of counsellor work: 'Some counsellors work hard to avoid a return, some counsellors force return' (Interview, Germany, 18.06.2021). Some counsellors aim to influence, steer, and manage potential returnees' return aspirations and intentions in line with the migration policy programs. These contradicting objectives indicate how different roles and functions, such as enforcement and counselling, are intertwined in the system in informal and often random ways.

In our sample, stories of many Afghans, Iraqis and Albanians who returned with a voluntary assisted return program did not intend to return but were obliged to do so. One Afghani rejected asylum seeker recalled his experience:

> They send me two warning documents to leave the country. The IOM contacted me to provide some assistance. After one and a half months, I received another letter about my return air tickets to Afghanistan. The IOM gave me 700 Euros cash, paid our hotel bills, and deported us back to Kabul (Interview, Afghanistan, 30.07.2022).

Returnees from Greece described their decision to accept the IOM assistance with stories using similar phrases such as 'after staying for around a year and a half', 'I was hopeless about getting residency', 'frustrated', and 'tired with the life of camp'. They added, 'We asked the officials to help for return' and 'returned in few weeks'.

These statements echo the 'self-deportation' conceptualisation coined by Park, 'who defines the term as a variety of state-sponsored coercive removal that assigns some agency to individuals in their removal' (Park 2018, 1884). One Afghan returnee from the Netherlands explained, 'They cut my access to fundamental rights, including social services. I had no choice other than the return' (Interview, Afghanistan, 11.07.2022). These statements indicate they have some agency to decide about the return before the deportation enforcement.

When coerced return becomes a revolving door

In contrast to policy objectives of pushing, imposing and incentivising returns via formal and informal mechanisms, experience shows that they do not create the expected outcome: a rise in return numbers and halting 'irregular' migration. The experience of an Iraqi returnee is telling about the sustainability of coerced 'voluntary' returns:

> We had no passport, so we were smuggled to Turkey in 2014. My pregnant wife, two children, and I travelled to Turkey. From Turkey onwards, I was alone with many other fleeing people from Syria and Iraq. I left my wife and two children in Istanbul, Turkey. Then I went to Bulgaria, Serbia, and Croatia, and an organisation took us to Germany. I tried to ask the social affairs in Germany to bring my family to Germany, but my case was weak. I waited for five years, but no results were there. When I became sure my case was no longer viable, I wanted to return to Turkey in 2019. However, Germany sent me to Iraq, where I reunited with my family. Germany gave me some cash support, which I used to buy a taxi. Then, I sold the taxi to attempt to migrate to Europe again with my wife and three children in August 2021. However, we were deported from Belarus; I do not have any work now (Interview, Iraq, 08.08.2021).

His story illustrates navigating almost all return mechanisms (pushing, imposing, incentivising) and negotiating with several actors. His experience also signals the presence of both contestation and compliance strategies embedding formal and informal techniques, involving at least waiting, splitting of family, using of assistance scheme, circles of onward migration, return, and remigration. Accordingly, in the transit countries on the way to Europe, the irregularity/contestation can be turned into a cycle of practices around 'arrest–detention–release' (Hess and Petrogiannis 2020, 46). In some cases, migrants found ways to bribe authorities to be released from pre-deportation detention; they were returned to their origin country but again tried to remigrate to their destination. Remigration itself can be read as a contestation. Remigration involves re-engaging with other layers of informality because remigration after deportation (as many are also issued entry bans) often consists of paying more money to facilitator services/smugglers, fake documentation to irregularly cross borders, and then irregularly working and staying. Our interviews with Syrian returnees from Turkey illustrated that a number of our admittedly small sample (8 out of 25) had already re-entered Turkey with the facilitation of smugglers, while four other 'voluntary returnees' are saving money to pay smugglers and bribe border patrol officers to cross the border.

In conclusion, the stories of research participants mentioned here are possibly referred to as examples of 'irregular migration' in formal policy documents, as people cross borders without proper travel documents. The names of returnees are registered on the 'assisted voluntary returns' lists of the respective country or by IOM. The return cases are evidence of policy 'success' as people were deterred from crossing to or staying in Europe and returned 'voluntarily'. However, policies and practices that brought these people to the decision of migration and return have been mixed, neither forced nor voluntary.

Discussion and conclusion

This paper uses insights and data from the return policy area to address three crucial questions posed in Koinova's contribution: Why and how does migration governance

experience an expansion of informality in policies and practices? What are the drivers, sites, temporalities, and implications of such expansion? How do power relations among stakeholders affect such governance compared to normative and institutional logic?[3] To do that, We engage critically with policy reports and journalistic accounts that mention 'informal returns' or 'voluntary returns' without closely analysing how such returns occur. These practices carry informality to a different degree. Drawing from actual practices, the paper develops a typology of coerced return mechanisms combining formal policies and practices, informal (but legal) and illegal practices, and migrant agencies into one complex analysis field. The paper illustrates how coerced returns develop along a continuum that ranges from total coercion (pushing to return) to formal coercion (imposing return) to informal coercion (creating incentives to return and disincentives to stay). We show how governance takes place in complex ways and how we should factor in a migrant agency in our analysis and understanding of the management of return migration. This also provides empirical evidence into critical border and migration scholarship about informal border practices.

There is no doubt that there are relations and overlaps between typology components, particularly between imposing and incentivising returns. Empirical cases indicate the double use of negative or positive incentives or their sequential implementation of practises such as first detaining the migrant and then offering return assistance. Also, dire living conditions, the withdrawal of aid and services, lack of access to asylum procedures and total uncertainty about the future create a climate of informal coercion that leads to eventually agreeing to be 'voluntarily' returned. Instead of executing a deportation order as happens with imposing returns, here, the migrants themselves are 'incentivised' to leave. As Kuschminder and Dubow discussed in the case of imposition of returns to Afghan rejected asylum seekers in the Netherlands, 'dehumanisation and deprivation' with the removal of government assistance is an informal policy goal because the key policy argument is that 'refused asylum seekers will be more likely to accept and enter return procedures when they are not given these provisions' (2022, 1057). So, such policies and practices can not be evaluated as an unexpected outcome of other policies but rather as intentional policy attempts. Nevertheless, the stories of migrants show that despite experiencing dehumanised conditions in the destination countries like the Netherlands (Kuschminder and Dubow 2022) and Germany, or in the transit countries like Greece and Turkey, return to origin countries like Iraq and Afghanistan is strongly resisted by many refused asylum seekers or 'irregularized migrants'. Migrant resistance to state coercion in different forms and degrees is observable during pushing, imposing or incentivising returns, as in some quotations above. In this way, the article illustrates how the agency is emotive and embodied in return processes, building on earlier critical migration and border studies that have convincingly demonstrated how migrants and refugees negotiate with border guards, smugglers, fishermen, and other actors when they are entering the state unauthorised and how they continue doing so after arrival within state territories (Mainwaring 2016). Investigating how individuals respond and act vis-à-vis the formal and informal return practices they encounter on their journey is necessary also to show that migrant agency needs to be conceptualised as an integral part of migration governance.

The study shows that, as noted in the introduction of this special issue (Koinova 2024), informal practices are endemic within institutions, and informality supplements formal rules and circumvents established rules on multiple levels of complexity. Besides

informality within institutions, the experiences of migrants provide insights about how informality occurs around the institutions, in our case, manifesting through informal engagements of migrants and smugglers that contest the practices of institutions. As argued in the Introduction of this particular issue, social-spatial aspects of informality are scattered around different sites. Along the same line, our study showed that some layers of formal and informal are intertwined at multiple sites of the journey with the involvement of several actors. Hence, it contributes to established literature on deportation and readmission by furthering the discussion on informal policy components and practices embedded in formal. Similar to the findings of Borrelli and Lindberg (2024), we show that informality does not undermine the migration control regime. However, it is used by different actors, like street-level bureaucrats, border agents, or civil society actors, to make complex regimes. Nevertheless, counter-tactics/practices of officers or states may be unlawful and act beyond the radar of public scrutiny (Scheel 2024). The repetition of practices numerous times, as we observe in pushbacks or delaying asylum applications in the return field, makes them informally institutionalised. Hence, the paper challenges the formal/ informal and forced/voluntary return dichotomies to show how they develop along a continuum. Also, despite some overlaps, the proposed typology may help us see nuances in forced and voluntary returns. It enables us to systematically disentangle how returns are implemented and how informal policies are embedded in each component to different degrees. The informal policy components and practices in the return field become more important with new policy experiments. Hence, empirical research based on observations and documentation of practices derived from field research and theorisation should be developed much further.

Notes

1. Interview 7, Albania, 27.02.2022; Interview 8, Albania, 28.02.2022; Interview 9, Iraq, 02.09.2021; Interview 10, Iraq, 02.08.2021; Interview 12, Iraq, 09.01.2020; Interview 7, Iraq, 08.08.2021; Interview 13, Iraq, 03.08.2021; Interview 6, Iraq 07.09.2021.
2. Contribution of Borrelli and Lindberg.
3. Koinova Introduction contribution.

ORCID

Zeynep Sahin-Mencutek 🔟 http://orcid.org/0000-0002-6676-8579
Anna Triandafyllidou 🔟 http://orcid.org/0000-0001-6760-0033

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