

Review - Humane and Dignified?

Written by Anna Lindley

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ANNA LINDLEY, SEP 25 2016

Humane and Dignified? Migrants' Experiences of Living in a 'State of Deportability' in Sweden

by Daniela DeBono, Sofia Rönnqvist and Karin Magnusson

Malmö University, 2015

This book juxtaposes the European Return Directive's call that deportation should be carried out in a 'humane and dignified' manner with the first hand narratives of people living under threat of deportation in Sweden. The title makes reference to the concept of deportability, which de Genova (2014) described as 'a deeply existential predicament that is defined by the grim prospect of being coercively removed from the space of the nation state where she has otherwise sought to make a life'. Specifically, the authors focus on the treatment and narratives of people for whom deportation looms very near: from the moment they are issued with a deportation decision, to the time of their actual removal from Sweden. By confronting descriptions of policy processes with migrants' experiences of them, the authors hope to 'start a conversation' about how deportation can be made more humane and more dignified. The book is based on a research project co-funded by the European Return Fund (2008-2013), which aimed to improve return management and international cooperation around return, and Malmö University's Institute for Studies of Migration, Diversity and Welfare.

After a brief introduction, Chapters 2 and 3 outline the policy context: the key regulations and the institutional architecture – at EU and national level – which are involved in deportation. The next three chapters delve into research participants' accounts. Chapter 4 provides a detailed anatomy of the deportation process, outlines different pathways through it, and analyses research participants' reflections and responses. Chapter 5 examines the negative effects of living under threat of deportation on people's psychosocial well-being, and their coping strategies. The final substantive chapter tackles how criminalisation infuses the deportation process.

There are several important points made in the book. The first is that EU harmonisation in the field of migration and human rights has varied outcomes at national level. The European Return Directive (ERD), agreed by EU Member States in 2008, aimed to set out common standards and procedures for returning third country nationals who do not have a legal right to remain in the EU, in a way that was compatible with relevant human rights obligations. However, one of the common criticisms levelled at the Directive, and highlighted by the authors, is that it did not do enough to raise human rights standards. In Sweden, a country often viewed as having relatively high human rights standards, the book explains that the transposition of the ERD into national law in 2013 eroded some rights and did not bring substantial improvements.

A second intriguing theme is the discretionary space available to authorities regarding migrants who have been issued with a deportation decision. In light of migrants' and other stakeholders' accounts, the authors appeal for more systematic definition of what exactly constitutes non-cooperation, risk of absconding, and cases where coercion (as opposed to the standard array of pressures and incentives) is needed to enforce return. Similarly, they advocate more careful documentation of the grounds for progressive restriction of rights prior to deportation, such as requiring a person to report regularly to the authorities, imposing detention on someone, handing people's cases to the police.

Given Sweden's recent history of trying to decriminalise immigration, the discussion around criminalisation is interesting. Human rights bodies have commended how Swedish courts tend to prioritise expulsion over prosecution

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for irregular stay; there are efforts to maintain dialogue with migrants on return options and incentives; migrant detention centres are primarily in the hands of a civil authority, liaising with the police, not outsourced to private contractors; and conditions in migrant detention centres seem better than many other European countries. However, at the same time, the law still allows stiff penalties for immigration offences (fines for irregular stay and prison sentences for re-entry ban violation); deprivation of liberty in immigrant detention centres; and police use on irregular migrants of measures associated with combatting crime (handcuffs, force, surveillance). Little wonder that while the system technically views detention and deportation as administrative measures, they are experienced by the people subjected to them as criminalising punishments.

A final salient theme is the strong sense of injustice among research participants. Many described their high hopes of sympathetic Swedish reception, and disappointment in encountering an impersonal, incredulous system requiring asylum claims to be promptly presented, evidenced and fit neatly with existing categorisations, in ways that are challenging for many seeking refuge. Even though the authors repeatedly emphasise that migrants under threat of deportation are a very diverse group, the overwhelming impression of these research participants is that they greatly fear what will happen if they are returned.

This actually poses a puzzle for the reader. How much is this sense of injustice a feature of research methodology and sampling, miscommunications during the bureaucratic process, systemic failures to address particular kinds of protection needs properly, or about living in an unfair world – an uneven landscape of rights and insecurities, cross-cut by international borders which contain and constrain? The authors do not really crystallise a clear answer to this. However, they do strongly emphasise the particular protection predicament of people who are stateless or whose countries remain unstable who often find themselves in prolonged limbo as ‘undeportable deportables’ (p.159).

There seem to be some missed opportunities. The research somewhat bears the marks of being co-funded by a policy institution: taking as a starting point the idea of deportation as the legitimate right of the sovereign state, rather than problematizing this; noting the relevance of power structures in the research process without detailed explanation; explaining the nuts and bolts of the deportation system in great detail, but offering limited *political* analysis of the factors that influenced its development; focusing on the host country dimension of the ‘deportation experience’ rather than exploring the vital question of what happens to people after return (although some secondary material is used). However, for anyone interested in the experiences of people on the hard end of the immigration regime and how the deportation system has developed across Europe this is a relevant and illuminating book.

Reference:

de Genova, N. ‘Deportation’ *COMPAS Anthology*. Centre on Migration, Policy and Society, University of Oxford.

About the author:

Dr Anna Lindley is a Senior Lecturer in the Department of Development Studies, SOAS, University of London, with interests in migration, livelihoods and politics. She has written on Somali displacement, transnationalism and policy responses including in *The Early Morning Phone Call: Somali Refugees’ Remittances* (2010), and on the politics of migration, editing *Crisis and Migration: Critical Perspectives* (2014). Her current research focuses on civic mobilisation around migration in the UK.