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#### Return Migration Diplomacy On Return and Readmission Cooperation Between Sweden and Diplomatic Missions

# Return migration diplomacy

On return and readmission cooperation between Sweden and diplomatic missions

Constanza Vera-Larrucea & Iris Luthman

Report 2024:8





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## Preface

The implementation of return decisions is a crucial element of asylum and migration law, ensuring that individuals whose asylum claims have been lawfully rejected or who no longer have the right to remain in the country are returned in a fair, humane and orderly manner. This process maintains the integrity of the asylum system by balancing the protection afforded to those in need with the enforcement of immigration rules. Effective enforcement of return decisions helps to prevent irregular migration, promotes lawful entry pathways, and strengthens public confidence in the migration system, making it more sustainable and equitable for all involved.

As in other European countries, the implementation of return decisions for those lacking the legal right to stay in Sweden has been a prioritised issue on the political agenda. However, this process may present challenges for various reasons. Affected individuals may resist leaving voluntarily, logistical difficulties such as issues with arranging travel documents may arise, and coordinating with authorities in the country of return may pose additional challenges.

This report is the first of three studies in the project titled "Return as International Migration Policy: Coordination Within and Across National Borders," funded by the Asylum, Migration and Integration Fund (AMIF). AMIF is an initiative that supports EU member states in their efforts to implement the common asylum and migration policy.

The report focuses on describing the roles, responsibilities, and perceptions of diplomats and embassy staff involved in return and readmission processes in Sweden and explores the challenges and strategies for improving cooperation between Sweden and countries of origin regarding return and readmission. It addresses a significant research gap by focusing on the role of countries of origin—particularly the role their authorities play in readmitting nationals, which has been largely overlooked in previous studies. The findings highlight key challenges and offer practical recommendations for enhancing collaboration between Swedish authorities and diplomatic missions, including the political and operational implications of this cooperation.

The report and the AMIF project have been supported by a reference group comprising the following members: Bettina Chu from the Danish Refugee Council (DRC), Elisabeth Lindholm from Strömsund Municipality, Mikaela Hagan from the Swedish Red Cross, Mikaela Eriksson from the Swedish Ministry of Justice, Niko Remes from the Detention Unit at the Swedish Migration Agency, Madelaine Seidlitz from Amnesty International, Svetlana Ripler from the National Operational Department (NOA) at the Swedish Police Authority, Alexandra Segenstedt from the Swedish Red Cross, Hugo Rickberg from the Swedish Migration Agency, Christina Jespersen from the Return and Reintegration Facility in Brussels, Åsa Göransson from Save the Children, Åsa Johansson from the Return Coordination Unit at the Swedish Migration Agency, Lina Backman from the Swedish Police Authority, Peter Kamenko from the Swedish Police Authority, Kristina Hellgren from the Swedish Migration Agency, and Jörgen Lindström from the Swedish Ministry for Foreign Affairs.

The report has been authored by Constanza Vera-Larrucea, PhD in Political Science (Stockholm University), and Iris Luthman, MA in Political Science (Uppsala University). It has been reviewed by a steering group consisting of Delmi committee members Joakim Palme, Anna Lindblad, and Annika Sundén. At the Delmi secretariat, Daniel Silberstein, Pinar Aslan Akay, and Anna Hammarstedt, who are all research coordinators at Delmi, reviewed the report. An earlier version of the report was also reviewed by external researchers Gerasimos Tsourapas, professor of International Relations at the University of Glasgow and Jean-Pierre Cassarino, professor at College of Europe. As is customary in Delmi contexts, the authors are solely responsible for the content, conclusions, and recommendations of the report.

Stockholm, September 2024

Joakim Palme Chair, Delmi Agneta Carlberger Kundoori Director, Delmi

## Summary

The implementation of return and readmission policies in Sweden is a complex and multifaceted process that demands effective coordination between the host country and the countries of origin. This Delmi report highlights the important role that diplomatic missions play in these processes, emphasizing their dual function as both operational and political intermediaries. These missions are crucial in providing the necessary documentation and verifying the identity of returnees. While some embassies are considered as cooperative, others are seen as obstructive, either through delays or outright refusals to issue travel documents. These discrepancies create substantial obstacles for the Swedish Migration Agency (SMA) and the Swedish Police Authority, who are tasked with enforcing return decisions. In contrast to previous studies on return migration, our report has a focus on the countries of origin readmitting their citizens.

The report analyses the data collected with the help of theoretical elements such as norm compliance, conditionality and leverage, the novel and useful concept of migration diplomacy, and extraterritorial migration management. These perspectives help frame the interaction between Swedish government agencies and diplomatic missions within a broader context of international relations and state sovereignty. Later, the report examines the tools available for facilitating cooperation, such as readmission agreements, delegation visits, and the deployment of return liaison officers. These tools are often implemented in an ad hoc manner, lacking a cohesive strategy that could enhance their effectiveness.

This Delmi report identifies significant challenges in the area of return and readmission, particularly the varying degrees of cooperation from different embassies, which can lead to delays and complications in the return process. Through extensive interviews with representatives from diplomatic missions in Stockholm and the responsible Swedish government agencies, the report reveals critical issues, including diplomatic and operational difficulties, especially with countries that are reluctant or refuse to readmit their nationals in cases of forced returns. It also highlights the complexities of verifying identities and securing the necessary travel documents, which are exacerbated by inconsistent cooperation from diplomatic missions.

Among the findings, the report shows that diplomatic missions have different visions of their roles in the return and readmission process. Some adhere to the traditional diplomat role by being a bridge between their country's

administration and the Swedish government agencies. Meanwhile other representations see themselves as protectors of their citizens' rights during the return process, striving to uphold these rights through guidance, support, monitoring, and direct assistance.

Another recurrent finding was the lack of information that diplomatic missions have about Sweden's rules and the roles and responsibilities of the Swedish agencies within the area of migration. The lack of information about who is responsible for what can lead to bottlenecks and delays in solving operational problems. Such problems in understanding, contacting, or communicating information on migration-related issues may affect the trust and willingness to cooperate in return.

On a political level, and within a migration diplomacy perspective, there is a series of incentives and punishments for countries to cooperate in readmissions. These incentives, however, do not always work uniformly across different states. Each region conforms to its own logic of readmission. Sometimes, cooperation in readmission cannot be prioritized. On other occasions, countries cannot cooperate due to a lack of structures and technical capacity. This suggests that readmission is not only about political will, but also about the technical and economic resources available to make readmission possible.

Based on the findings, the report offers several recommendations aimed at improving Sweden's return and readmission practices. These include the need for a more structured and strategic use of readmission agreements, enhanced training for diplomatic staff to improve cooperation, and a stronger emphasis on building trust and mutual understanding between Swedish agencies and diplomatic missions.

The recommendations underscore the importance of considering the perspectives of countries of origin in the design and implementation of return policies. By fostering longstanding, better diplomatic relations, and ensuring that the rights and dignity of returnees are respected, return and readmission should be based on a realistic and flexible view of the chances of successful reintegration.

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## **List of Abbreviations**

ARLO	Ambulatory Return Liaison Officer	
ENP	European Neighbourhood Policy	
EU	European Union	
EURAS	European Union Readmission Agreement	
EURLO	European Union Return Liaison Officer	
MENA	Middle East and North Africa Region	
REA	Readmission Agreement	
SMA	Swedish Migration Agency	

## 1. Introduction

## 1.1 A study of cooperation in return and readmission

The return of individuals without a legitimate claim to remain in the nation's territory has emerged prominently in Swedish policy and public discourse, especially in the context of the Tidö Agreement of 2022. Although return was already present in the discourse of previous governments, the current coalition government has prioritised it, aiming for a more "responsible" and "restrictive" migration policy (Ministry of Justice 2023). This involves, among other things, calling for "increased efforts to be made with the aim of identifying, dealing with and ensuring that people who are in Sweden without permission leave the country" (Tidö Agreement 2022).

Despite these intentions Sweden, like many other countries, faces challenges in implementing and enforcing return policy. The return of migrants who have no grounds to stay in Sweden cannot always be implemented unilaterally. It depends on the willingness of the returnee to comply with a decision, as well as the willingness of the country of origin<sup>1</sup> to readmit its nationals. International law requires countries to accept their returning nationals, but this is not always the case in reality, and cooperation on readmission can vary from poor to non-existent. This is particularly true when attempting to return individuals to countries that are reluctant or unwilling to readmit citizens whose return is to be implemented by force. At a more logistical level, the Swedish Migration Agency (from now on SMA) and the Swedish Police

<sup>&</sup>lt;sup>1</sup> According to the IOM Glossary on Migration (2019, p.39), the country of origin is the "country of nationality or of former habitual residence of a person or group of persons who have migrated abroad, irrespective of whether they migrate regularly or irregularly". Accordingly, in the context of return and readmission, the "country of origin" is typically the country to which the individual is being returned. It should be noted however that, under some agreements, individuals may be returned to a "safe third country", i.e. "a third country that treats a person seeking international protection in accordance with accepted international standards [...]" (European Commission 2024). In this context, a safe third country is not the individual's country of origin but another country where they may have previously resided or through which they travelled and where they could have lodged a claim for asylum. For the purpose of this report however, the term "country of origin" is used when discussing return and readmission practices unless otherwise specified. The term "third country" is otherwise used to denote "[a] country that is not a member of the European Union as well as a country or territory whose citizens do not enjoy the European Union right to free movement, as defined in Art. 2(5) of the Regulation (EU) 2016/399 (Schengen Borders Code)" (European Commission 2024).

Authority (from now on called the Police) have criticized the degree of cooperation that diplomatic missions offer when presented with return cases (Malm Lindberg 2020).

The lack of cooperation on readmission is usually influenced by the type of migration affecting the countries of origin (Cassarino 2010). Given the inherent asymmetry in the negotiation of return agreements, it is difficult to envisage a smooth return policy due to the differences in political and socio-economic conditions in countries of origin and the host country. Return migration and migration policies in general fail for several reasons, but mainly because they ignore domestic factors in countries of origin, and because migration policies are based on a short-term view of the migration process (Castles 2004). Traditionally, these discussions have been dominated by the perspectives of the host country and of the migrants themselves, often ignoring the crucial insights and experiences of the countries of origin that are expected to readmit their citizens. By including the perspectives of countries of origin, we can better understand their readiness and capacity to readmit their citizens.

Some mechanisms to ensure the readmission of individuals are readmission agreements. However, these are not the only or most effective means of facilitating cooperation between countries (Stutz och Trauner 2021). Instead, the motivation for cooperation can stem from a variety of factors, including diplomatic relations and strategic interests. However, such negotiations are primarily political in nature. Return and readmission also involve operational processes in which two states must coordinate the removal and readmission of individuals. At this stage, diplomatic missions play a crucial role by providing the necessary documentation and the correct identity of the returnee. As intermediaries between the host country and the country of origin, embassies are in a position to manage both the operational (action) and political (decision-making) dynamics of migration management. They can offer critical insights into the readiness and ability of countries to readmit citizens, negotiate terms of return, and provide information to support reintegration.

Embassies can also present obstacles to a smooth return process. Embassies have been perceived by Swedish government agencies and returnees as reluctant to support their own citizens and slow to respond to requests from Swedish agencies, which can significantly hinder the return process (Vera Larrucea, Malm Lindberg and Asplund 2021). These actions, intentional or not, can create obstacles for return and readmission. Such challenges underscore the importance of understanding the role and function of diplomatic missions in return and readmission procedures. Focusing on the case of Sweden, this report contributes to policy development by providing a close examination of cooperation on returns from Sweden and readmissions to countries of origin. A key focus of our report is the role of diplomatic missions, which act as the 'public face' of countries of origin and often as gatekeepers in the return and readmission process.

Recognising both the facilitating and obstructive potential of diplomatic missions is crucial for developing effective strategies and policies that respect the interests and goals of all parties involved. With this in mind, we examine the cooperation between Swedish government agencies and diplomatic missions, distinguishing between the operational and political aspects of these efforts. **Operational cooperation** focuses on procedural management to streamline the return and readmission process, i.e. the practical implementation of return and readmission policies. **Political cooperation**, on the other hand, operates at a strategic level and aims to cultivate the necessary 'political will' among key decision-makers to facilitate cooperation on return and readmission issues. These levels interact at different stages of the process, follow different principles and use different instruments to effectively implement return policies and facilitate readmission.

In this report, we examine the tools available for cooperation on return and readmission and the role of diplomatic missions in Sweden in this process. To do this, we draw on a series of in-depth interviews with representatives working with returns within the Swedish government agencies and in diplomatic missions in Stockholm. These interviews provide a rare and valuable perspective on the cooperation between Swedish agencies and diplomatic missions, exploring challenges, best practices and the role and impact of readmission agreements. The methodological approach proved challenging as the diplomatic arena is sensitive and information had to be received, processed, and analysed with care. Our empirical material is presented in a special way. Some of our interviewees chose to remain anonymous or to be quoted by their job title, while others chose to be quoted by their full name. Nevertheless, the data collected is rich and unique.

#### 1.2 Aim and research questions

The purpose of this study is twofold: (1) to describe the functions, responsibilities and perceptions of diplomats and embassy staff within return and readmission processes in Sweden; and (2) to explore the challenges and strategies for improving cooperation on returns and readmissions between Sweden and countries of origin. In order to achieve these aims, the study identifies the tools available for cooperation and the obstacles to successful cooperation. The study then examines the diplomatic missions in Stockholm to better understand from their perspective what works and what doesn't in the current implementation of return policy in Sweden. In this report, we identify and analyse factors that hinder the implementation of return decisions, especially what are termed 'forced' returns.

By shifting the focus to the often-neglected voices of government representatives from countries of origin, this report contributes to a more holistic understanding of the return and readmission processes, and this paves the way for us to pursue our aim to provide practical recommendations for policymakers.

The report reviews some elements and concepts from theory and previous research that can help us to better understand cooperation in the area of returns. Although there is no theoretical approach that can fully account for our empirical material, our literature review revealed interesting concepts such as norm compliance, the conditionality approach, and migration diplomacy. These concepts help us to better understand the role and function of diplomatic cooperation in the area of returns. In particular, the relatively new concept of migration diplomacy offers important advantages for the purposes of our study. By anchoring the study in traditional international relations, it focuses on states' interests in absolute and relative gains as a means of examining states' bargaining strategies (Adamson and Tsourapas 2019). The concept reaches a political domain, but also the operational activities within migration control.

Hence, the following questions have guided this study:

- 1. What are the formal and informal instruments used for cooperation on return and readmission?
- 2. How do diplomats and embassy staff perceive their role and function in the process of the return and readmission of foreign nationals who have received an expulsion decision from Sweden? How do these roles and functions relate to the Swedish agencies?
- 3. What are the main challenges that hinder cooperation between Swedish government agencies and diplomatic missions in the readmission process?
- 4. What factors encourage countries of origin to cooperate around return and readmission?
- 5. Which instruments of readmission seem to work, which ones fail, and what could be the reasons for their failure?

We identified a number of instruments used to ensure cooperation on return and readmission. Using our empirical material, we decided to focus on three types: readmission agreements, coordination tools, and return liaison officers. These instruments and their respective tools mix elements previously discussed in our theoretical concepts – migration diplomacy, extraterritorial migration management, and conditionality and leverage.

#### 1.3 A brief discussion on terminology

In the field of return studies, terminology is often vague and value-laden. Words such as 'return', 'deportation', 'removal', 'repatriation', 'readmission', etc., are some of the terms used to describe the process of leaving a host country for the country of origin. These terms are sometimes used interchangeably to refer to different stages in the process. In this study, however, the focus is primarily on the concepts of 'return' and 'readmission'. **Return** is understood here as the process of implementing a return decision pertaining to an individual without a legal right to stay to their country of origin following a return decision by a national authority. The process may be voluntary or involuntary, the latter being referred to as forced return.

**Readmission**, on the other hand, has to do with the return of an individual to their country of origin. The process analysed in this study is therefore twofold and always depends on two states: the host state to which the individual migrated, and the country of origin. While the definition of readmission implies a return to a familiar environment for many, it can also be an environment with which individuals may have no previous connection. For example, a Delmi report (Vera Larrucea, Malm Lindberg and Asplund 2021) found that the majority of respondents who had returned to Afghanistan did not feel a sense of belonging in their current environment. Many attributed this feeling to having been abroad for a long time, while others stated that they were born in Iran and had never been to Afghanistan, despite being Afghan nationals.

This leads to an essential consideration of what **effectiveness** means in the context of return and readmission policies. While the definitions of return and readmission provide a framework for understanding the procedural aspects of migration management, assessing the success of these processes requires a more focused approach. In return studies, effectiveness is commonly expressed in numerical terms as the return rate i.e. the ratio of third-country nationals ordered to leave to those actually returned. This has been criticised by, for example, the European Commission in its JRC technical report. The current definition is seen as problematic because, among other things, it is based solely on the number of persons ordered to leave and those actually leaving, ignoring other factors; it does not monitor those who are returned; and it does

not take into account elements related to different legal systems (Belmonte, Tarchi och Sermi 2021). 'Effective' cooperation in a numerical sense does not necessarily result in a more humane, sustainable and legally certain return and readmission process for the individual migrant. The striving to improve effectiveness can even have repercussions for social trust, humanitarian assistance and fundamental rights (Carrera and Allsopp 2017).

As our focus is on cooperation between the various actors involved in the return process, we define effective cooperation in the return process as the ability of Swedish agencies and their foreign counterparts to actively work to facilitate the return of persons who are no longer allowed to be on Swedish territory, in accordance with international law and respecting the rights and safety of returnees. In essence, the focus shifts from simply counting successful returns to assessing the agreements, diplomatic relations, and technical capabilities that enable return decisions to be enforced, individuals to be readmitted, and the necessary conditions for reintegration to be created. This perspective recognises that the political and operational groundwork laid to enable returns, even in difficult contexts, is an important step towards policy effectiveness. Therefore, our understanding of 'effective' efforts or cooperation emphasises procedural advances aimed at streamlining various aspects of return and readmission such as documentation, transportation, coordination between relevant authorities, and compliance with legal and human rights frameworks. It also encompasses strategic developments that facilitate the implementation of return policies, rather than focusing solely on the absolute number of returns carried out.

Furthermore, we see that a return policy cannot be considered effective without a proper readmission strategy. If countries understand Swedish migration policy, readmit their citizens, and ensure that the process is carried out in a humane manner with a perspective of reintegration, then the goal of effectiveness can be fully accounted for. This is why our study starts from the premise that a state cannot achieve effective returns on its own. The country of origin is as important as the host country in enabling better cooperation and facilitating the reintegration of returnees.

In addition to effectiveness, sustainability and humanity are often presented as goals of return policy. The idea that returns must be effective, sustainable, and humane is found in various national and international reports, policy documents and NGO recommendations. All three concepts are complex. In our study, we chose an instrumental definition of each in order to later highlight the views of diplomatic missions on the return and readmission of their nationals. **Sustainability** is usually mentioned in the context of return, although there is no specific definition of the term or how to measure it (Kuschminder 2017). Nevertheless, the term is present as a goal of return programmes in various EU Member States (OECD 2020). Koser and Kuschminder's (2017) definition refers to the integration of returnees into the economic, social and cultural processes of the country of origin, as well as a safe and secure environment. However, this focus on the individual is difficult to measure. We understand sustainable return to mean a situation in which an individual is readmitted to a context that is familiar, safe, and provides opportunities for embeddedness.

Meanwhile, **humanity** is entangled in the fundamental rights that individuals have. This can be grounded in international conventions such as the EU Charter of Fundamental Rights, which places human dignity and integrity at the top of the list. In this context, humane return and readmission is seen as a process in which the dignity and integrity of the individual is taken into account at all stages of the process, and in which voluntary return is always preferred<sup>2</sup>. Human dignity and integrity must also be considered in cases where an individual is unwilling to return. It is difficult to see forced return as humane, but in the logic of enforcing a legal right to remove irregular migrants, the state has the power to expel citizens against their will. However, the dignity and safety of the individual must also be considered. This has much to do with the previous concept of sustainability. If the individual returns to an environment where their fundamental rights are respected, reintegration is possible and likely to be sustainable.

A final concept that we make use of in this report for instrumental purposes has to do with the **political will** to cooperate around returns and readmissions. We consider that within compliance in readmission requests, the political will to cooperate with the return of citizens might be decisive for the success of the process. The concept of political will refers to "the extent of committed support among key decision makers for a particular policy solution to a particular problem" (Post, Raile and Raile 2010, 659)<sup>3</sup>. In this case, two states need to find a solution when it comes to individuals who have not been granted the right to remain in a host country.

<sup>&</sup>lt;sup>2</sup> A humane and effective return and readmission policy – European Commission (europa.eu)

<sup>&</sup>lt;sup>3</sup> In their paper, Post et al. break down this basic definition into a more detailed definition of political will as existing when (1) a sufficient set of decision-makers, (2) with a common understanding of a particular problem on the formal agenda, (3) is committed to supporting (4) a commonly perceived, potentially effective solution. This more comprehensive definition, while not applied in this study, allows for a conceptual operationalisation of political will that "allows direct mapping to outcomes and the identification of specific shortcomings" (Post, Raile and Raile 2010, 659).

## 2. Background and Previous Research

This chapter sets the stage for our analysis by providing an overview of the intricate dynamics of global migration management, focusing on the processes of return and readmission. It distinguishes between regular and irregular migration, highlighting the complexities of these categories. The chapter then presents previous literature exploring the legal foundations and ethical considerations surrounding return and readmission, emphasizing the significance of state sovereignty and international cooperation.

To effectively address the study's objectives – to describe the functions, responsibilities, and perceptions of diplomats and embassy staff within return and readmission processes in Sweden and explore the challenges and strategies for improving cooperation between Sweden and countries of origin – it is crucial to understand the context within which the various stakeholders operate. Against this backdrop, a detailed background on Sweden's approach to managing return and readmission procedures is included, tracing historical shifts in migration patterns and legislative changes. This contextual foundation is essential for examining the role and function of diplomatic missions in facilitating returns and readmissions, as well as their cooperation with Swedish agencies.

#### 2.1 Return in global migration management

The global migration landscape is characterised by diverse migration patterns, including regular and irregular migration. Regular migration, as defined by the International Organization for Migration (IOM), is "[m]igration that occurs *in compliance* with the laws of the country of origin, transit and destination" (Glossary on Migration 2019, 175). As such, regular migration is generally characterised by the possession of valid travel documents, such as visas or work permits, and adherence to the laws and regulations governing entry *into* and stays in the host country. In contrast, IOM defines irregular migration as the "[m]ovement of persons that takes place *outside* the laws, regulations, or international agreements governing the entry into or exit from the State of origin, transit or destination" (Glossary on Migration 2019, 116).

The distinction between regular and irregular migration, however, is not as clear-cut as these definitions suggest. For example, individuals may enter a country regularly but then become 'irregularized'<sup>4</sup> as they overstay their visas or permits. In fact, a majority of irregularized immigrants in Europe are overstayers, i.e. individuals who enter legally and then stay beyond the terms of their permit (Ambrosini and Haje 2023, 4). Moreover, individuals applying for asylum in an EU country have the right to have their case carefully evaluated by the authorities, regardless of whether their entry was legal or not. Asylum seekers therefore become irregularized only when they remain in the country after their asylum applications have been rejected.

In policy discourse, expelling those who lack a legal right to enter, or to stay, is often framed as a way for states to control internal security, manage population influx, and assert their sovereignty (Triandafyllidou and Ricard-Guay 2019). In the EU, the return of these individuals is seen as crucial for managing irregular migration and protecting immigration and asylum systems in host countries (Cassarino 2008). As such, return and readmission are closely interconnected processes in the context of migration management. However, the process of return is contingent on the cooperation and acceptance (readmission) of the country of origin or a safe third country<sup>5</sup> to readmit those individuals. This brings us to the legal underpinnings of readmission, which are essential for understanding the complexities of return policies.

<sup>&</sup>lt;sup>4</sup> By using the term 'irregularized' instead of 'irregular,' we adhere to the notion of irregularity as "a condition produced through various processes of (ir)regularization" rather than as a status of individuals (Squire 2010, 5).

<sup>&</sup>lt;sup>5</sup> A 'safe third country' refers to a state where an individual may be returned if it meets accepted international standards for being considered 'safe' (see European Commission, 2024, for the definition under Directive 2013/32/EU). A third country is neither the individual's country of origin nor their intended destination but rather a place where they "can request, or could have requested, protection" (Nur Osso 2023, 281). The application of the "safe third country" concept is controversial. Critics argue that it may prevent irregular refugees from being recognized as Convention refugees (Nur Osso, 2023, p. 302) and could lead to 'chain refoulement,' where individuals are returned to their countries of origin without the opportunity to submit an asylum application or have their claim reviewed in transit countries (Parliamentary Assembly 2010).

#### 2.2 Readmission: Legal grounds

Understanding the legal grounds for readmission begins with the concept of state sovereignty, which means that states have the right to determine who can enter and stay in their territory, with the right to seek protection being a well-established exception under the principle of *non-refoulement*<sup>6</sup>. States have the authority to deport migrants who lack the legal right to remain in their territories. States are also obligated under international law to receive their own citizens if they are refused entry to, or expelled from, another country (Chetail 2014). The right of an individual to enter the territory where they are a national is, for example, enshrined in the International Covenant on Civil and Political Rights and the European Convention on Human Rights.

The obligation of a state to readmit individuals who are not permitted to stay in another country is thus based on the principle of nationality. This means that if someone is a national (citizen) of a state, that state has a duty to take them back. According to Weis (1979), in international law, nationality is a technical term that means a person is officially recognized as a member of a specific state. This relationship gives the state certain rights and responsibilities towards that individual and in relation to other states. However, the obligation to readmit should be understood not just as a state's duty towards its citizens, but also as a state's duty towards other states. Some scholars argue that refusing to readmit nationals expelled from another country violates the host state's sovereignty and its right to expel foreigners (Giuffré 2016). The implementation of a return decision is therefore legitimized by the nationality principle and the territorial sovereignty of the country expelling an individual. The complexity lies in coordinating rights and duties between two sovereign states and the legitimate right of the individual to be readmitted to their country of origin.

It is important to note that while 'country of origin' is often used as an overarching term that includes both the 'country of nationality' and the 'country of birth or former habitual residence,' these terms can have distinct meanings in practice. The 'country of origin' can refer to a state where a person, for example a stateless person, has lived for an extended period, which is not necessarily

<sup>&</sup>lt;sup>6</sup> The principal of non-refoulement is a fundamental tenet of international human rights law that prohibits a country from returning individuals to a country where there is a real risk of them being subjected to persecution, torture, inhuman or degrading treatment or any other human rights violation. The principle is enshrined in multiple international treaties including the 1951 Refugee Convention, the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and the 2010 International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) (OHCR u.d.). Non-refoulement is considered a jus cogens norm in international law, meaning that it is a principle so fundamental that it overrides any conflicting treaties or laws (Allain 2001).

their country of nationality or even their country of legal residency. This distinction is crucial for understanding the legal and practical implications of readmission obligations.

If an individual wishes to return to their country of nationality, the norm is that the country will allow entry as long as the individual has valid identity and travel documents. Problems arise when individuals cannot provide proof of their identity or lack travel documents. In such cases, readmission procedures become necessary, and countries may choose whether to accept the returnee or not (Ellermann 2009). Additionally, if an individual is unwilling to return, the state may object to their entry and refuse to comply with the readmission. Among the various tools used to implement a return, readmission agreements are the most commonly used tool to establish cooperation and ensure the readmission of individuals with a return decision.

## 2.3 The role and function of readmission agreements

Readmission agreements are established to provide a structured framework for efficient and orderly returns. They achieve this by defining the "administrative and operative procedures jointly regulating the means of identifying undocumented migrants and the ensuing issue of travel documents (or laissez-passers)"7 (Cassarino 2007, 181). They typically include provisions that specify the national authorities responsible for coordinating the removal of individuals who have received a return decision, and designate the border control points to be used for readmission purposes. Moreover, since there is no customary law rule mandating the readmission of foreign nationals states primarily agree to such measures for political and economic reasons rather than legal obligations - readmission agreements address this gap (Giuffré 2016). The explicit reference to the readmission of both national and third-country nationals, i.e. "nationals other than those of the contracting parties and stateless persons", thus broadens the cooperative scope of bilateral readmission agreements, arguably justifying their rationale and reciprocal obligations (Cassarino 2010, 13).

European states have been concluding bilateral agreements of this kind since the early nineteenth century, but their number, importance, and visibility have surged, especially since the early 1990s (Coleman 2009). However, with the entry into force of the Treaty of Amsterdam in 1999, the then European

<sup>&</sup>lt;sup>7</sup> A *laissez passer* (in French let go) within this context is a type of travel document, other than a passport, extended by a national authority enabling the citizen to travel back to their country of citizenship.

Community (EC) gained competence in the area of readmission. This means that European Readmission Agreements (EURAs) can be brokered with third countries at the EU level, facilitating the return of irregularized individuals from the whole EU. Since the negotiation of these agreements concerns the EU's relations with other countries and regions, they are typically considered to be part of the EU's external migration policy alongside, for example, visa regulations and resettlement programmes for refugees. Together, these three instruments are part of the EU's remote control of its borders (Czaika, Erdal and Talleraas 2023).

EURAs and formal bilateral readmission agreements include binding commitments by the contracting parties. However, states can also enter more informal cooperation through non-binding administrative arrangements, bilateral deals, exchanges of letters, or Memorandums of Understanding (MoUs) (Cassarino 2007). These informal readmission agreements or "arrangements" with countries of origin, though not legally binding, can have "serious implications on state-to-state relations and migrants' rights to protection." (Cassarino 2007, 180). These informal instruments are typically used to improve cooperation on return and readmission with countries of origin where concluding and implementing formal readmission agreements has been difficult, either due to a lack of incentives for countries of origin to cooperate or because formalized agreements do not align with the interests or contextual realities of their governments.<sup>8</sup> Previous literature indicates that taking back returnees can be politically and economically costly, making some countries particularly "recalcitrant and uncooperative" (Paasche 2022). It is, therefore, imperative that the incentives for taking back citizens are strong. Some countries argue that by taking back a large number of their citizens who have been economically active in the Global North, they may lose valuable remittances and incur costs in reintegrating returnees (Ellerman 2008, Money and Lockhart 2018).

Despite their intended benefits, readmission agreements (formal as well as informal) have faced criticism. Some scholars argue that they show little to no effect on return rates due to various implementation problems, such as domestic and international factors (Carrera 2016, Ellermann 2005). They might not significantly impact return rates (Stutz och Trauner 2021), disregard human rights (Fakhoury 2016), and respond to temporary bilateral relationships that are not sustainable over time. From a legal and normative perspective, agreements are criticized for potentially contravening human rights and principles like

<sup>&</sup>lt;sup>8</sup> See Cassarino, 2007, p.189-190, for a list of characteristics to explain the proliferation of the informalisation of readmission cooperation in the Mediterranean region and beyond.

non-refoulement (Caron 2017). According to Carrera (2016), the readmission agreement's goal of increasing expulsion rates is inconsistent with international legal standards governing inter-state relations and the rights of individuals subject to expulsion practices.

Specific case studies offer varied perspectives on the effectiveness of readmission agreements. For instance, a study by the Fafo Research Foundation on Norway's readmission agreements with Russia, Iraq, and Ethiopia found that these agreements increased the number of returnees – both forced and voluntary – due to the host countries' willingness and capacity to implement the agreements (Sønsterudbråten, et al. 2016). However, in other cases, the same countries have reneged on their commitments. Specifically, in the case of Ethiopia and despite an existing readmission agreement and the provision of technical assistance by the EU, readmission cooperation has not improved (European Commission 2023). This highlights how countries that initially appear cooperative may struggle to maintain their commitment to these agreements over time.

## 2.4 The ethical considerations of return and readmission

Policy implementation always entails ethical considerations that relate to the consequences of policies on individuals. The return of individuals who cannot legally stay in a state, and the readmission of citizens by their countries of origin, involves special ethical considerations. In some ways, a return can be an infringement of the individual's dignity, especially in the case of asylum seekers.

The EU has pursued a return migration policy to create a more coherent asylum system. However, EU Member States are bound by obligations to protect third-country nationals. These commitments, grounded in international law and EU Regulations, must be scrutinized and upheld. The principle of nonrefoulement lies at the core of the EU protection regime and must inform EU policy decisions (Mungianu 2016). Within this ethical and legal framework, return migration policy should consider the conditions in the country to which an individual is being readmitted. This is particularly sensitive when individuals are returning to countries experiencing ongoing or recent armed conflicts. Such situations create a difficult balance, as a country can quickly shift from being safe to unsafe. Thus, an individual facing a return decision could suddenly qualify for asylum. Such sudden shifts can disrupt the desired stability of the asylum system and the coherence of migration policies. An example of such a conflict is the negotiation of readmission agreements with states that are not considered 'safe countries'. In the context of the European Union (EU) asylum acquis, a safe country of origin (SCO) is a country that is presumed to be generally safe for its nationals or stateless persons who formerly habitually resided there. According to the recast Asylum Procedures Directive (Directive 2013/32/EU), a country is considered to be an SCO if it has a consistent record of freedom from persecution, torture or inhuman or degrading treatment, and from the threat of indiscriminate violence in situations of conflict (EASO 2021). The Parliamentary Assembly has stated that the EU should only negotiate readmission agreements with countries that respect human rights and have a functioning asylum system (Parliamentary Assembly 2010). However, the EU and its Member States negotiated an informal readmission agreement or 'arrangement' with Afghanistan in 2021, which requires a reinterpretation of the safe country principle due to its domestic situation (Slominski and Trauner 2020, 108). This aspect will be further analysed in section 5.1.2.

From a different perspective, it is important to problematise whether a country of origin has an obligation to readmit a national against their will. Countries of origin have an established obligation to take back their citizens. But do individuals have an obligation to return? The traditional right to freedom of movement consists of three complementary rights: the right to leave any country, including one's own, the right to return to one's own country, and the right of everyone lawfully within the territory of a state to freedom of movement and freedom to choose their place of residence (Gürakar-Skribeland 2022). In such circumstances, there is a conflict between the duty of the country of origin and the right of the individual to return. This will be problematised later in chapter 7 in light of our data.

Beyond international norms, states have practical responsibilities for returnees. The EU and individual countries often participate in or fund reintegration programmes. For example, Sweden has supported reintegration programmes in several countries, both independently and through civil society organisations such as the Red Cross<sup>9</sup> and international organisations such as IOM. These efforts go beyond cash reintegration grants that returnees may receive upon voluntary return, or in-kind assistance for both voluntary and escorted returnees. Such programmes reflect a commitment to act after an individual has been removed and are more in line with the idea of a sustainable return – which, according to IOM's goal, aims to prevent re-migration – than with a direct responsibility towards migrants who have lived in Sweden. In addition, these efforts can contribute to development and alleviate the otherwise difficult situation of returnees.

<sup>&</sup>lt;sup>9</sup> See for example <u>avslag-pa-asylansokan-atervandande161006.pdf (rodakorset.se)</u>

#### 2.5 Management of Return and Readmission Procedures in Sweden

Moving on from the broader understanding of readmission policies and agreements, it is crucial to examine how these principles are implemented at the national level. Sweden provides a compelling case study in this regard, as it has developed a multifaceted approach to managing return and readmission procedures. The following section delves into the historical context, legislative developments, and the practical implementation of return and readmission policy within Sweden.

#### Historical overview: Post-war period and EU influence

The introduction of the Act (1914:196) concerning the prohibition for foreigners to reside in the kingdom (also known as the Deportation Act) in 1914<sup>10</sup> marked the end of an era during which foreigners had been able to enter the country, stay without permission, and work, essentially without limitation (SOU 2004:74 2004). Before the introduction of the Deportation Act and subsequent legislation restricting entry and stay in Sweden, deportations were rare but did occur, with Sweden's first readmission agreement being with Russia in 1861, allowing the deportation of "criminals and vagrants" (Kvist Gevert 2019). However, readmission agreements to regulate migration flows more generally only began after World War II, in the 1950s and 1960s (Coleman 2009).

The post-war period marked an era of refugee migration from primarily Poland and Hungary (Hinnfors and Jungar 2024) as well as significant labour migration from other Scandinavian countries, Italy, Greece, Yugoslavia and Türkiye (Swedish Migration Agency 2022) (Swedish Migration Agency 2022). The need for workers kept labour immigration regulations to a minimum until 1967, when work permit requirements were introduced prior to entry to better align immigration with economic needs (Hinnfors and Jungar 2024). This legislative change had followed on from the introduction of the Aliens Act of 1954 and the sentiment that only Swedish citizens have the "unconditional right" to reside and earn their livelihood in Sweden (Government Bill 1954:41 1954, 59).

The 1954 Aliens Act also expanded the rights of foreign nationals to appeal expulsion or denial of entry. In 1944, responsibility for such appeals was transferred to the newly established State Aliens Commission (*Utlännings-kommissionen*), which played a crucial role in regulating immigration until 1969, when its functions were transferred to the Immigration Board,

<sup>&</sup>lt;sup>10</sup> The Deportation Act of 1914 enabled Swedish authorities to refuse entry or expel "certain aliens" (Government Bill 1914:223, 1914, translated from Swedish).

which, over time, evolved into what is today known as the Swedish Migration Agency (SMA) (Nationalencyklopedin 2024).

The establishment of the Immigration Board and the subsequent consolidation of return activities occurred in a context where immigration had become increasingly politized in Sweden. In the 1980s and 1990s, a shift from labour immigration to asylum seekers and family reunifications occurred, particularly from countries affected by political and economic instability. Sweden's 1995 EU membership and the pursuit of a common asylum and migration policy led to more restrictive measures, especially for family reunification and asylum seekers from the former Yugoslavia. As a result of signing the Schengen Agreement in 1996 and the subsequent removal of internal border controls in 2001, Sweden became obligated to apply the common set of Schengen rules, known as the Schengen acquis. Specifically, concerning return and readmission, Article 23 of the Schengen acquis imposed obligations on Sweden regarding the expulsion of third-country nationals unlawfully present in its territory. This mandated Swedish agencies to expel such individuals to a third country if they lacked legal residence rights in Sweden or any other Schengen state.

The Immigration Board took on the primary responsibility for implementing deportation and expulsion decisions from the Swedish Police in 1999, consolidating decision-making and enforcement within one agency (Prop. 1999/2000:43 2020). However, the Police retained certain cases, especially those involving individuals convicted of a crime. The Immigration Board could still transfer cases to the Police for enforcement when necessary (Malm Lindberg 2020).

The introduction of the EU Returns Directive (2008/115/EC) further affected Sweden's national return and readmission policies. Adopted in 2008, the EU Returns Directive established common standards and procedures for the return of third-country nationals staying illegally in EU Member States. In response to the EU Returns Directive, Sweden implemented legislative and administrative changes to ensure compliance with EU standards (Malm Lindberg 2020). This included amendments to its Aliens Act and the adoption of new ordinances governing return and readmission procedures, including guidelines on the issuance of return decisions, the duration of entry bans, and the use of coercive measures in the enforcement of return decisions. The EU Returns Directive also reinforced the importance of cooperation with countries of origin in the readmission of irregularized migrants. Furthermore, Sweden enhanced its cooperation with other EU Member States and EU agencies, such as Frontex, to facilitate the effective implementation of return decisions and improve border management (Malm Lindberg 2020).

## Sweden's use of readmission agreements in migration management

In order to facilitate expulsion to countries of origin in accordance with the Schengen acquis, Member States began to conclude a large number of bilateral readmission agreements during the 1990s (Coleman 2009). Sweden, for instance, established such agreements with Lithuania in 1997, Latvia in 1997, Estonia in 1997, Bulgaria in 1998, Poland in 1998, Romania in 2001, Yugoslavia in 2002, Switzerland in 2002, Slovakia in 2004, Bosnia and Herzegovina in 2005, Cyprus in 2005, North Macedonia in 2006, Armenia in 2008, Vietnam in 2008, and Kosovo in 2011. Additionally, Sweden negotiated memorandums of understanding (MoUs) with Iraq in 2008 and Afghanistan in 2016. However, following the Taliban's takeover in May 2021, the MoU with Afghanistan is no longer in effect. A readmission arrangement – which can best be described as a 'verbal agreement' – also exists between Sweden and Morocco from 2016.<sup>11</sup>

Several of the bilateral readmission agreements negotiated in the 1990s and 2000s have become obsolete as the countries involved have since become members of the European Union. Others, such as the agreements with Yugoslavia (which was later renegotiated into separate agreements with Serbia in 2004 and Montenegro in 2006), Bosnia and Herzegovina, North Macedonia, and Armenia, have been replaced by EU readmission agreements.

In addition to these agreements, Sweden has also entered into bilateral implementing protocols with Serbia and Russia (although the latter is currently inactive).<sup>12</sup> These protocols are utilized when there is an existing EU readmission agreement, but a more detailed understanding of operational procedures is deemed necessary.

The following table summarizes the different types of arrangements that are currently in place between Sweden and countries of origin. Among these we can distinguish arrangements – formal (signed agreements) or informal (such a verbal agreement) – as well as implementing protocols.

<sup>&</sup>lt;sup>11</sup> See for example (Wierup 2016).

<sup>&</sup>lt;sup>12</sup> Information gathered during an interview with an official at the Ministry of Justice, 5 October 2023.

## Table 1. Readmissions arrangements in place between Sweden and countries of origin

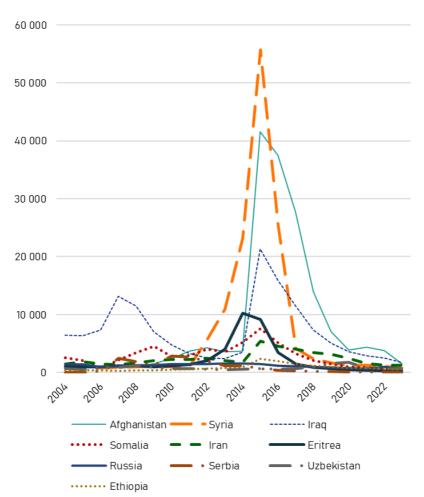
EU readmission agreements (EURAs)	EU readmission arrangements (informal agreement)	Bilateral implementing protocols	Bilateral Formal Readmission Agreements, MoUs and verbal agreements and agreements under negotiation
<ul> <li>Hong Kong (2002)</li> <li>Macau (2004)</li> <li>Sri Lanka (2005)</li> <li>Albania (2005)</li> <li>Russia (2006) <ul> <li>no longer in effect</li> </ul> </li> <li>Bosnia and Herzegovina (2007)</li> <li>Moldova (2008)</li> <li>Montenegro (2008)</li> <li>Montenegro (2008)</li> <li>North Macedonia (2008)</li> <li>Serbia (2008)</li> <li>Ukraine (2008)</li> <li>Serbia (2008)</li> <li>Pakistan (2010)</li> <li>Georgia (2011)</li> <li>Armenia (2014)</li> <li>Cape Verde (2014)</li> <li>Türkiye (2014)</li> <li>Belarus (2020)</li> </ul>	<ul> <li>Afghanistan (2016)</li> <li>Guinea (2017)</li> <li>Bangladesh (2017)</li> <li>Ethiopia (2018)</li> <li>The Gambia (2018)</li> <li>Ivory Coast (2018)</li> </ul>	• Serbia (2015) • Russia (2007) <i>– no longer in effect</i>	<ul> <li>Armenia (2008)</li> <li>Bosnia- Herzegovina (2005)</li> <li>Iraq (MoU, 2008) - no longer in effect</li> <li>Kosovo (2012)</li> <li>North Macedonia (2007)</li> <li>Montenegro (2006)</li> <li>Serbia (2004)</li> <li>Switzerland (2003)</li> <li>Vietnam (2008)</li> <li>Morocco (Verbal agreement, 2016)</li> <li>Afghanistan (MoU, 2016) - no longer in effect</li> <li>Uzbekistan (under negotiation)</li> <li>Kazakhstan (under negotiation)</li> </ul>

Note: \*Readmission arrangements, similar to EURAs, aim to enhance cooperation on returns but lack references to refugee and human rights protection, reciprocity, and standardized documentation requirements. They are customized for each country, allowing for greater flexibility and the inclusion of support packages.

Source: Compilation of data from searches in the database for Sweden's International Agreements (<u>Sveriges internationella överenskommelser –</u> <u>Regeringen.se</u>), (European Court of Auditors 2021), (European Migration Network 2022) and an interview with an Official at the Ministry of Justice, 5 October 2023.

#### **Recent trends and challenges**

The so-called 'refugee crisis' of 2015 had a significant impact on Sweden's immigration policies, leading to a shift from a period of liberalization under the Reinfeldt Government (2006-2015) to a more restrictive approach (Hinnfors and Jungar 2024). The surge in asylum applications during the crisis (as illustrated in Figure 1) highlighted the challenges posed by large numbers of individuals residing in Sweden without legal grounds. In response, there was a growing recognition of the need to reevaluate policies related to return and readmission and both left- and right-wing parties saw the need to provide the agencies with more and sharper tools to be able to work effectively with return cases (Vera Larrucea, Malm Lindberg and Asplund 2021). This included measures to ensure the establishment of identity, create opportunities to detect irregular migrants, and increase the number of special return liaison officers, i.e. specialised government or agency representatives deployed to a third country to facilitate the return of individuals who have received a legally binding return decision.



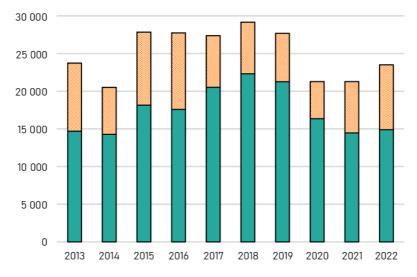
## Figure 1. Asylum seekers to Sweden, by top 10 countries of citizenship, 2004–2023

Source: SCB.

Note: The figure shows the number of individuals, by citizenship and year, enrolled in the SMA's reception system as of 31 December, regardless of their status in the asylum process. For exact numbers, see Appendix 2.

The focus on return has been reinforced further within the present context of the Tidö Agreement. This Agreement, as outlined in the introductory chapter of this report, calls for "increased efforts to be made with the aim of identifying, dealing with and ensuring that people who are in Sweden without permission leave the country" (Tidö Agreement 2022). In line with the Agreement, several government agencies have been tasked with expanding and streamlining their work on returns, including the SMA, the Police and the Swedish International Development Cooperation Agency (Sida) (Aslan Akay 2024). By strengthening the powers and resources of these agencies, Sweden has aimed to streamline the processes for returns and thereby reduce the number of people staying in the country without legal grounds. These measures have aimed to create a more structured and coordinated handling of return cases, with a focus on ensuring compliance with the applicable laws and Sweden's international obligations.

However, despite the increased focus on return and readmission since 2015, the return rate from Sweden has remained more or less constant since 2013 (see Figure 2).



## Figure 2. Third-country nationals ordered to leave\* Sweden and effectively returned\*\* 2013–2022

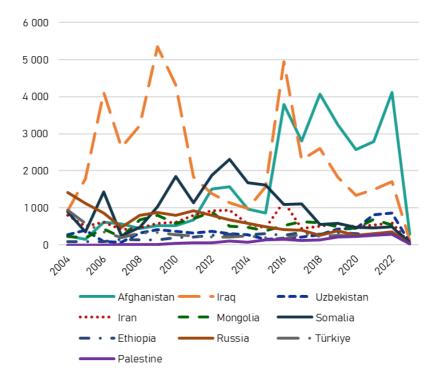
Third country nationals returned following an order to leave - annual data (rounded)

Third country nationals ordered to leave - annual data (rounded)

#### Source: Eurostat.

\*The number of third-country nationals ordered to leave refers to the number of third-country nationals found to be illegally present who are subject to an administrative or judicial decision or act stating that their stay is illegal and imposing an obligation to leave the territory of the Member State. These statistics do not include persons who are transferred from one Member State to another under the mechanism established by the Dublin Regulation (Council Regulation (EC) No 343/2003 and (EC) No 1560/2003) (Eurostat 2024).

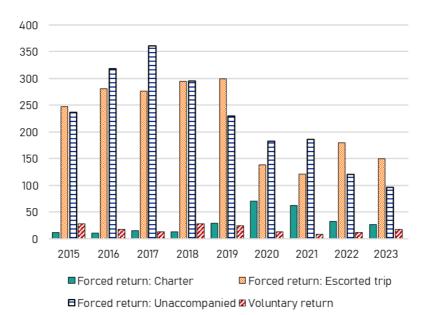
\*\* Third-country nationals who have in fact left the territory of the Member State, following an administrative or judicial decision or act stating that their stay is illegal and imposing an obligation to leave the territory (see Art. 7.1 (b) of Council Regulation (EC) no 862/2007). The data include forced returns and assisted voluntary returns. Unassisted voluntary returns are included where these are reliably recorded (Eurostat 2024). Evaluating Sweden's return policy and its efficacy, as indicated by return decisions and outcomes, requires consideration of the broader European and global context. Iraqi, for example, stands out as the nationality with the highest number of issued return decisions (not to be equated with actual returns), consistently leading the list for several years. This prominence reflects broader migration trends and the specific challenges faced by Iraqi citizens in securing or retaining legal status in Sweden, alongside challenges faced by Swedish agencies in carrying out forced returns to Iraq. Following Iraqi, Afghan emerged as a notable entry into the top ten nationalities leading up to 2010, highlighting the increasing impact of geopolitical and social turmoil in the region on Swedish immigration and return policies. Somali also features significantly in this analysis, with a considerable number of Somali citizens facing return decisions within the same timeframe.



## Figure 3. Issued orders of expulsion by the SMA 2004–2023, top ten countries of citizenship



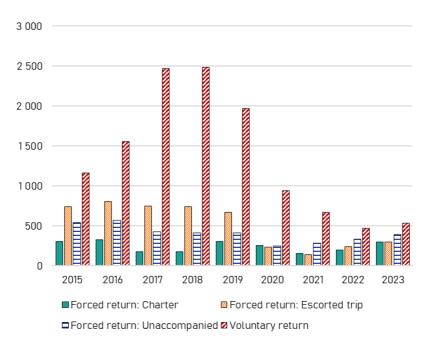
The Police classifies its data differently from the SMA. Although it is difficult to give an overall picture of the implementation rates, we deliver below a classification of the implemented cases of return.



#### Figure 4. Police expulsions due to criminal offence



The cases when individuals abscond or openly reject a voluntary return are referred to the Police who take on responsibility for the enforcement of such cases. Within this category, the cases that are implemented can be classified as voluntary, forced but unaccompanied, forced return escorted by the Swedish Prison and Probation Service (via regular flight) and forced return by charter flight (arranged trip for a group of individuals returning to a specific country). Another category is the number of return decisions due to criminal offences, which are cases derived from Swedish Criminal Court. More information on the Police's handling of return decisions will be provided in section 2.6.3.



### Figure 5. Police-implemented return decisions – handed over from the SMA

Source: Adapted from raw data on implemented return decisions handed over to the Police from the SMA, Swedish Police Authority.

### The whole-of-government approach

A pivotal step in striving to achieve a more structured and coordinated handling of return cases has been the establishment of the State Secretaries' Group for Coordination of Migration Issues, under the leadership of Anders Hall, the State Secretary to the Minister for Migration. Formed in March 2023 by a decision of key ministers<sup>13</sup>, this group signifies a concerted effort to enhance the coordination of migration policies across various ministries, in line with the whole-of-government approach (Svensson 2023). While no universal definition exists, this approach can generally be described as the coordinated effort of government agencies working across various portfolio boundaries to achieve a shared goal and deliver an integrated government response to specific issues. This coordinated effort uses both formal and

<sup>&</sup>lt;sup>13</sup> These key ministers included the Minister for Migration Maria Malmer Stenergard, Minister for Justice Gunnar Strömmer, Minister for Foreign Affairs Tobias Billström, and the Minister for International Development Cooperation and Foreign Trade, Johan Forssell.

informal networks to design and implement effective policies, programmes, and services to achieve specific policy goals. The adoption of this approach, according to Christensen and Lægreid, represents a strategic shift from the fragmented management style of New Public Management towards a more integrated and cooperative framework (Christensen and Lægreid 2007).

In line with the Tidö Agreement, the formation of the State Secretaries' Group complements existing initiatives in the area of return and readmission, signalling a strengthened commitment by the Swedish Government to address migration comprehensively. By involving state secretaries from crucial ministries, the group embodies the whole-of-government approach, aiming to align strategies across trade, foreign policy, aid, and migration policies to tackle the challenges of return and readmission more effectively. State Secretary Anders Hall has highlighted the necessity of this comprehensive approach in ensuring safe, orderly, and regular migration, and addressing the challenges posed by countries that do not fulfil their obligations to accept their returning citizens (Svensson 2023).

The work of the group, which includes regular meetings and preparation by a subgroup at the civil servant level, focuses on planning and monitoring initiatives targeted at priority countries for returns, supporting agencies like the Police, the SMA, Sida, and embassies, and ensuring effective cooperation among them. By integrating domestic and international strategies within a whole-of-government framework, Sweden aims to create synergies between different parts of government, moving beyond isolated management towards unified, comprehensive solutions to migration challenges.

# 2.6 Swedish migration management in return and readmission procedures

The statistical overview in the previous chapter reveals the trends in return decisions in Sweden, but also sets the stage for understanding the complex political and operational migration management frameworks that influence – and are influenced by – these numbers. Moving forward, this section outlines the approach of Swedish government agencies in managing return and readmission operations, outlining the use of readmission agreements and the whole-of-government approach, which entails the pooling of resources, expertise, and efforts across various sectors and levels of government with the goal of facilitating the return of individuals who do not have a legal right to stay in Sweden.

### A multi-layered approach: Division of tasks between Swedish government agencies

At the national level, Sweden employs a multi-layered approach to managing return and readmission processes, involving various government agencies, each with distinct but complementary roles. The SMA, the Police, and the Swedish Prison and Probation Service are the primary entities involved. These agencies work in close cooperation, guided by national legislation and international agreements, to ensure that return processes are implemented efficiently and respectfully.

If an individual is no longer entitled to stay in Sweden, due to reasons such as a failed asylum application or an expired work permit, the SMA can issue a decision on refusal of entry or expulsion. The individual has the right to appeal this decision to the Migration Court and, as a last instance, to the Migration Court of Appeal. If all appeals fail, the person must leave Sweden within the time frame set by the court (Swedish Migration Agency 2021).

After a formal notification by the SMA, the individual is responsible for arranging their return within the given timeframe: two weeks for refusal of entry and four weeks for expulsion. The SMA is the principal government agency responsible for deciding on and implementing returns, but if the individual does not comply or coercive measures are needed, the case is transferred to the Police, which then enforces the decision. The Police may also initiate return cases if they find someone without the right to enter or stay in the country (Swedish National Audit Office 2020).

Even when cases are transferred to the Police, coercive measures are not always necessary. Often, the mere involvement of the Police encourages cooperation<sup>14</sup>, and individuals may arrange their return themselves if they have valid travel documents. If not, the Police assist by obtaining the necessary documents from the country of origin.

Accordingly, return cases that have been transferred to the Police by the SMA can be enforced without the use of coercive measures or even the direct participation of the authorities in the form of monitoring or chartering the trip. In these cases, the return journey is arranged by the individual themself without the involvement of the Police or other Government representatives. However, a prerequisite for this type of departure is that the person possesses valid travel documents and the necessary visas (Malm Lindberg 2020). If this is not the case, the Police will assist in the return by contacting the authorities

<sup>&</sup>lt;sup>14</sup> Information gathered from interview in Stockholm on 12 October 2023 with RLO, Swedish Police Authority.

in the country of origin to acquire the correct documents. The Police can therefore contact the authorities in the country of origin in cases characterized by both compliance and non-compliance.

For non-cooperative cases, the Prison and Probation Service assists the Police in transporting individuals who have received expulsion orders. This service may be provided through national operations or in collaboration with Frontex. The Prison and Probation Service also supports domestic transport for detained individuals (Swedish Prison and Probation Service 2024).

#### Processing of personal data between agencies

The division of roles within the Swedish return process presents challenges, for example relating to the transfer of information between the agencies. The Police, for example, need information about what the SMA has done to investigate a person's identity or to obtain travel documents. Information about family members, previous contacts, or potential security risks may also be of relevance. Similarly, the Prison and Probation Service rely on information from the Police to carry out transfers. Without this exchange, unnecessary work may occur, leading to delays or failures in enforcement.

The Police's direct access to the SMA's data is regulated by the Act on the Personal Data of Aliens (2016:27) and the Personal Data of Aliens Ordinance (2016:30), while confidentiality regarding foreigners is primarily covered by the Public Access to Information and Secrecy Act (2009:400). This legislation is designed to enable efficient and purposeful processing of personal data by the SMA, the Police, and authorities in the countries of origin, while protecting the privacy of the individual (Swedish National Audit Office 2020). However, as noted in the 2020 evaluation by the National Audit Office, the Police have only limited access to the SMA's case management system Wilma. This can lead to inefficiency and errors, including non-enforceable decisions being wrongly passed to the Police and decisions that could be enforced with Police assistance remaining with the SMA (Swedish National Audit Office 2020).

Furthermore, the sharing of information is hampered by incompatible case management systems between agencies, often resulting in information being transferred in paper format and manually entered into new systems. This process can lead to omissions or errors in critical information such as case numbers, gender, and birth dates (Swedish National Audit Office 2020).

### Units for return coordination with the SMA and the Police: two functions with similar tasks

Despite the limitations described above, on the whole Swedish inter-agency coordination on return and readmission is considered to be well-functioning by staff within the SMA and the Police (The Swedish Agency for Public Management 2021). However, well-functioning coordination and cooperation between Swedish agencies is not enough to ensure effective enforcement. This is because the possibility to implement return decisions is largely dependent on factors over which the involved agencies have little or no influence. These factors mainly relate to the level of cooperation from the individual and the willingness and capacity of the countries of origin to accept returnees.

As highlighted in an evaluation report by the Swedish Agency for Public Management from 2021, there are three main factors that relate to the individual's level of cooperation that hinder implementation: i.e. that (1) they accept or at least do not oppose the return decision, (2) that it is possible to verify their identity (and thus possible to issue travel documents) and, (3) that they are available to the authorities (The Swedish Agency for Public Management 2021). As far as the procurement of travel documents is concerned, the SMA and the Police are highly dependent on the participation of *both* the individual and the authorities in their country of origin.

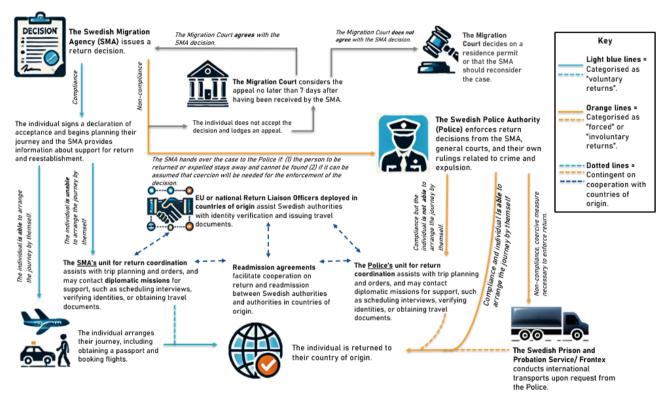
In light of the dependence on cooperation with the authorities in countries of origin, both the SMA and the Police have established units that work exclusively with contacts with the embassies and foreign representations in Sweden. These **Units for return coordination** have similar tasks and roles within their agencies. They are specialist functions that are tasked with assisting the regions in the procurement of travel documents and arranging travel in return cases where the foreign national lacks the ability to arrange their travel themself. In addition to brokering contact with the responsible agencies in host countries in the procurement of travel documents, the Unit for return coordination within the SMA is also responsible for deciding on the type of support that individuals who have received return decisions are entitled to. To perform their task, these units employ 'specialists' or 'embassy liaison officers' that work as intermediaries between the Swedish government agencies they represent and the embassies or local authorities in the countries of origin.

This work sometimes entails assisting diplomatic missions by providing information that helps establish the identity of individuals designated for return. Initially, a request for identity verification is sent to the presumed country of origin; in some cases, these requests are sent to multiple countries. Each request includes the order of refusal of entry or expulsion issued by the SMA, along with any documents and all available information regarding the individual's potential identity. If a country cannot verify the individual's identity, the next step involves seeking assistance from Interpol. Should the country still be unable to verify the identity of the individual, the search efforts are broadened. These expanded efforts usually lead to the successful identification of individuals as citizens of a country, allowing the Units for return coordination to forward requests to the relevant country with new information, possibly including copies of identity documents. While the process often becomes straightforward at this juncture, the preliminary stages can sometimes go on for up to 15 years.<sup>15</sup>

Having two functions with similar tasks within both the Police and the SMA may appear superfluous. However, according to the previously referenced evaluation by the Swedish Agency for Public Management, the need for specialized units is supported by the fact that the Police and SMA maintain different functions within the return and readmission process, necessitating specialised expertise. Moreover, when the Police first explored establishing a national unit for embassy coordination and possibly merging it with the SMA's Unit for return coordination, they found that confidentiality rules barred a joint function (The Swedish Agency for Public Management 2021).

<sup>&</sup>lt;sup>15</sup> Information gathered from interviews with representatives from the unit for return coordination, Swedish Migration Agency.

#### Figure 6. The multi-layered approach to Swedish migration management in return and readmission



### 3. Theory and Conceptual Framework

In this chapter, we introduce the theoretical grounds of migration management strategies, readmission and conditionality, including the role of return and readmission agreements and the expansive reach of extraterritorial migration management. We also introduce concepts that can be used to better understand our empirical material. Although the study of return migration management is relatively recent from an academic perspective and no theory framework can fully encompass the intricacies of the process, some elements can be useful in analysing the management of returns. Norm compliance describes the logic under which a state should fulfil the obligation to readmit its nationals, which is sometimes ensured by the signing of agreements. A second related strand of theory has to do with the leverage of results and, in this case cooperation, and compliance with international norms and specific agreements. While norm compliance helps us to understand the role of agreements on return and readmission, leverage and conditionality can help us disentangle why some countries cooperate on readmission and which do not. Later, a novel concept that can help us analyse return and readmission management is migration diplomacy, which situates return policy within a broader spectrum of international relations. Migration diplomacy plays a central role in our study as many of the tools that we describe and analyse can be associated to this perspective. It focuses on the management of migration, but also covers the political and operational spheres. We also briefly review the traditional role of diplomats in international theory. Finally, this chapter presents a perspective on extraterritorial migration management because of its usefulness in understanding specific instruments within return and readmission.

# 3.1 Norm compliance and the establishment of agreements

Norm compliance describes the rules and logics of fulfilling states' obligations towards other states within the international system. Within international relations, cooperation among states and other organizations is characterized by uncertainty. One of the protections against that uncertainty is the negotiation of agreements. Even though states have developed a way to negotiate agreements using the information at hand, there is always the possibility of unpredictable events after agreements are signed, which are beyond states' control (Koremenos 2005, 549).

Although readmission agreements have proliferated in recent decades, these cannot fully account for the uncertainty of ever-changing migration movements. It is also a field of unbalanced power relations where state-to-state cooperation is based on asymmetric costs and benefits (Cassarino 2012). In the case of readmission, norm compliance is not to be taken for granted as external shocks might change the capacity of states (especially countries of origin) to comply with a cooperation agreement that was already imbalanced in power when one state has significantly more influence and resources within the international system. Therefore, in the exchanges generated by readmission agreements, one party needs to engage more (scarce) resources than the other to achieve cooperation.

Uncertainty cannot be dismissed in the case of unstable states experiencing recent or current armed conflicts as their capacity to comply with an agreement depends on stability and order. Considering that there is no international authority to enforce them (Koremenos 2005, 551), that migration movements are unstable, and countries of origin are unstable, such agreements are not exactly a recipe for success. But still, readmission agreements are one of the main tools used within international relations to achieve cooperation on returns and readmissions.

A formal readmission agreement contains a set of conditions, deadlines, and responsibilities within return and readmission procedures. Changing circumstances may upset the costs and benefits considered when negotiating an agreement, lowering the chances of compliance (Cassarino 2010, 9). Less traditional approaches that include agreements among specific authorities, or agreements that are not set in stone and instead more dedicated to facilitation during returns, could better manage and adapt to the volatile costs and benefits of readmission. Among these, the *Memorandum of Understanding* – an agreement between two or more parties which serves to document each party's expectations and intentions, without being legally binding – could better reflect the operational needs of the process.

Although a country may wish to comply, its agencies and internal structures may be the parties that hinder the implementation of readmissions. In this case, strategies are developed at the meso or micro level by targeting the authorities and agencies that operate or are responsible *in situ*, i.e. within the country that is not fulfilling its readmission obligations. This is where the perspective of migration diplomacy becomes relevant. Given that some countries may not be willing to readmit their citizens, lack the political will to prioritize readmission, or simply fail to comply with an agreement for a variety of reasons, other tools need to enter the field of return migration management. This is where other strands of literature are needed to help us complete the puzzle.

### 3.2 Leverage and conditionality

Within multilateral agreements, it is important to highlight the large number of documents signed by the European Union. In many cases, Member States might have previously signed a bilateral agreement with third countries. In that case, the EU readmission agreement takes precedence. Readmission agreements are negotiated at EU level, but it is the Member States that are responsible for their implementation (Cassarino 2010).

The incentives to comply with an agreement offered by the EU might be different from those established by a bilateral readmission agreement. Closeness to the European Union is desirable for many countries. In this case, the EU is capable of imposing significant conditions to countries by offering important benefits. The fact that the EU can use its transformative power in negotiation processes could signify more and better chances for compliance. However, it can also have the opposite effect if a country seeking membership is not offered a serious prospect of membership. As Agh (2010, 1241) emphasizes, EU membership is the biggest carrot, and when this is not offered the credibility of EU conditionality weakens.

Elements of leverage intend to balance the consequences and the costs of readmission for countries of origin. These are considered positive conditionality when their aim is fixed on rewarding states (Kipp, Knapp and Meier 2020) if these states fulfil the conditions of host countries, in this case cooperation on readmission. The EU has three main sources of leverage: access to the single market, which includes visa and trade concessions, aid to development and investment support, and diplomatic engagement. These three sources of leverage can be mixed and matched in different ways during the process of negotiating return deals (Lisiecka and Parkes 2017). National sources of leverage are not so different from the EU ones, though in a more reduced form. But a Member State on its own can offer smoother and more flexible leverage, especially during negotiations.

On the other hand, negative conditionality aims to punish or sanction a state for deficient or non-existent cooperation by reducing, suspending, or terminating the benefits offered during the negotiations (Kipp, Knapp and Meier 2020). The principle of conditionality has been systematically applied by the European Union when negotiating on different platforms seeking migration control. These platforms, called Mobility Partnerships or the Roads to Visa Facilitation/Liberalization, are sometimes stepping-stones to membership (in the case of its 'Near neighbourhood'), and sometimes to more comprehensive deals.

### **3.3 Migration Diplomacy**

### Migration diplomacy and the political level in return and readmission

Migration policies have not been central in international relations and are usually negotiated within other policy areas (Lavenex and Fakhouri 2021). Nevertheless, the use of migration flows as diplomatic tools to achieve diplomatic aims has caused the emergence of migration diplomacy (Demiryontar 2020). Migration diplomacy is the term used *to describe a state's use of diplomatic tools, processes, and procedures to manage cross-border population mobility* (Adamson and Tsourapas 2019, 116). Migration diplomacy assumes a strategic character as it is often based on unequal power relations between states that wish to implement returns versus those that have to implement readmissions. Within the formal or informal negotiations around return and readmission, states employ different tools to secure a country's own best interests. By playing a crucial role in a state's bargaining strategies in international migration, migration diplomacy might constitute a significant sub-element of a state's public diplomacy (Akçay and Demircioğlu 2022, 381).

Migration diplomacy moves between leverage and conditionalities, generating either cooperation for mutually beneficial arrangements, or either punishment or the threat of (re)directing unwanted migration flows to obtain political or economic benefits (Greenhill 2010, Demiryontar 2020, Tsourapas 2017). Migration flows – and the control of these by containing future migrants or returning irregular migrants to their country of origin – are used within the migration policy field as means to achieve other ends.

Migration diplomacy brings to the surface the way states manage crossborder migration management within the international arena. By using their available means – despite the imbalances in power – to cooperate with readmission, a state might improve its position. In other words, a relatively small state might act as David against Goliath and ensure significant gains, such as help with development, political support, trade agreements, etc., in exchange for stricter border controls so that a more powerful state avoids having to deal with irregular immigration from that very country. The negotiation of such agreements may reflect a desire for political closeness in addition to the need to ensure cooperation on returns and readmissions. The specific case of the European Union shows that countries of origin - which are expected to readmit a significant number of citizens - might acquire power thanks to the EU's desire to control migration. One of the key goals of readmission agreements for the European Union is control over unauthorized immigration. By establishing migration control in third countries, Member States can externalize the management of migration outside of their own borders. Such externalization implies helping countries of origin with the costs linked to the agreement's implementation. The technical and practical costs of implementing agreements, such as the provision of expansive financial and technical assistance to non-EU countries, might be used by countries with ulterior motives beyond readmission (Icduygu and Aksel 2014, 341). Such motives may assume small or very large political ambitions. It can range from technical assistance for developing instruments or registers to ensure correct identification of citizens to EU membership ambitions.

The concept of migration diplomacy presents important advantages for the purposes of our study. By being anchored in traditional international relations, migration diplomacy points to the states' interests in absolute versus relative gains within bargaining strategies (Adamson and Tsourapas 2019). By looking at bargaining strategies, we can better understand the elements leading to a will to cooperate within return and readmission.

### The traditional diplomat and operational roles in return migration management

The type of cooperation required from diplomatic missions in the area of return and readmission does not necessarily fit in with the traditional roles of a diplomat. This is why we need to consider the roles that, in theory, are often associated with the diplomatic function.

The old, traditional role of the diplomat is to achieve mediation between estranged parties (Der Derian 1987). Although there might be no apparent conflict, the fact that two countries could potentially enter into a conflict is treated as latent. A series of practices and activities are then designed to establish friendly relations. The role of a traditional diplomat involves several aspects of the relations between two countries that surpasses the political. Economic factors, cultural exchange and development aid are all typically part of a diplomatic task. On the other hand, consular functions are primarily focused on issues of sovereignty, the administration of a state's borders, and the rights of citizens living abroad. From a classical perspective, diplomats should be the ones achieving a more stable and peaceful international environment, or as Sharp (2009) puts it, *it is diplomacy which constitutes, and diplomats (in the sense of those who act diplomatically) who produce, the international societies which put relations between separate groups on a more stable and peaceful footing than they otherwise would be.* This perspective entails a complex world where diplomats are important but silent pieces of the puzzle who mend conflicts and avoid frictions by representing the interests of a state when on foreign soil.

Through education and experience, diplomats need to acquire special skills that allow them to act in different cultural contexts. Such skills might be useful considering the geographical and sometimes cultural distance that might exist between two states. For diplomats, the distance between cultures, societies and organizations is a permanent place (Sharp 2009, 102) which they navigate equipped with the legitimacy that international relations have granted them. Among the different conflicts of interests that diplomats need to handle, migration has become an important one. The large numbers of migrants crossing borders, many times irregularly, entails issues of sovereignty but also of citizens' rights when in a foreign country. This is where diplomats, at both the consular and the representative level, become important actors in return and readmission.

This operational level, which involves solving technical and logistical problems, sometimes requires the development of more *in situ* strategies. Certain tools within return migration policy require an implementation outside the limits of the state. The need to connect, approach and seek cooperation requires developing strategies to better understand the particularities of the countries of origin. This makes the concept of extraterritorial migration management necessary to our study, which we describe in more detail in the following section.

### 3.4 Extraterritorial migration management

Another theoretical resource helpful for the purposes of this study is extraterritorial migration management. This is linked to some specific instruments used to seek cooperation on returns and readmissions. Traditionally, migration control is supposed to occur inside or at the border of a state. Intra-border control is not unusual, as a state is acting within its own sovereign territory. Extraterritorial migration, however, is a less common approach. Extraterritorial migration management refers to migration control outside the juridical borders of a state (Boswell 2003). Although the concept has been revised, it still derives from Zohlberg's seminal work (1997) on migration control overseas, expressed through the idea of 'remote control'. A state could be able to control population movements from abroad in an automated way ('pushing a button') by influencing the foreign state's domestic policies and the mobility of individuals with a potential to become immigrants.

Implementing return decisions does not end with the issuance of an expulsion order. There are several other factors that need to be accounted for when implementing returns. Local authorities might be unaware, unprepared, or unwilling to receive nationals who have been expelled by a foreign country. The host country then starts considering less traditional tools to achieve the controls perceived as necessary to deter irregular migration. The extension of national authorities' control by deploying personnel overseas does not ensure a successful achievement of goals. In a study about British liaison migration officers, Ostrand and Statham (2022) found that where formal authority is in the hands of a foreign state, officers working on the ground must engage in soft-power persuasion tactics. These authors showed empirically that national authorities do not remotely control migration policies and practices overseas, but instead find practical solutions through personal contacts. The micro-level of action for street-level officers might be successful but cannot achieve large policy changes.

Ostrand (2022, 56) examined the role of immigration liaison officers (ILOs) in the UK and found that they operate within informal spaces of negotiation between mid-level officials from across national borders and organisational boundaries who negotiate and contest the management of migration control. The space navigated by ILOs is used for transnational information exchange, where they become knowledge brokers within their specific field (Ostrand 2022, 57).

The deployment of liaison officers abroad is not a new tool used by Swedish agencies to enforce Swedish law extraterritorially. For example, Swedish Customs has had a Europol liaison officer in The Hague since 1995 and a combined liaison officer/customs attaché in Beijing. Within Europol, the Swedish Security Service has also had a liaison officer at Europol since 2016. What is relatively new is using liaison officers to work on migration. Liaison officers have been seen as part of the 'remote control' of migration movements. The street-level officers sent to a country of origin are traditionally seen as tools of extraterritorial law enforcement. However, a closer look at their functions reveals a different picture. Liaison officers work under the mandate of a state, but within the sovereign borders of a foreign state, where they use soft-power persuasion tactics to achieve national goals (Ostrand and Statham 2022).

The Police has been deploying personnel abroad with the aim of facilitating return of migrants since 2018. What started as a pilot programme now has the potential to become a systematic tool used by the Police to enforce returns, as the initial project led to further deployments. Similarly, the EU has a comparable initiative, coordinated by Frontex. Notably, the European Union Liaison Officers (EURLOs) deployed by Sweden are appointed under the SMA.

### 4. Method and Material

### 4.1 The qualitative inquiry

Our research is fundamentally qualitative. Being a qualitative researcher entails assembling different pieces of reality as perceived and experienced by different actors in order to answer a given research question. The qualitative study, in this sense, explores reality "as constructed by individuals" where the results are the "textual accounts of the individual's lifeworld which reflect the diversity of their lived experiences" (Erlingsson and Brysiewicz 2012, 93). The qualitative approach employed in this study accordingly allows us to offer insights that are grounded in the subjective realties of various actors working with return and readmission within government agencies and diplomatic missions in Sweden, capturing their diverse perspectives and experiences and piecing these together in order to better understand the role of diplomatic missions in the process of return and readmission.

Our method of data collection centred on semi-structured, in-depth interviews<sup>16</sup>, supplemented by a collective exercise resembling a focus group. The choice to primarily rely on in-depth interviews with a semi-structured questionnaire for the collection of empirical data was prompted by uncertainty regarding data feasibility at the onset of our research, meaning that it was unclear at the beginning of our project what kind of data could be collected and how easy it would be to get the information needed to answer our research questions. In these circumstances, asking people for their own accounts, talking, and listening to them can be the only way to generate data and the information that the researcher needs (Ruslin, et al. 2022).

We adopted an abductive approach to the analysis of our data. This approach, developed by Blaikie (1993, 2000, 2004, 2007, 2010) as a methodology that generates scientific accounts from social accounts, that is, the everyday activities and language of meaning of social actors, allowed us to prioritise empirical descriptions of processes and mechanisms, while also relating our findings to previous research and theory. The abductive approach thus allowed us, in the words of Halpin and Richard (2021), to "combine the strengths of inductive and deductive inquiry by reasoning from concrete data (similar to induction), but using these data to extend, refine, or refute existing theories or propositions (similar to deduction)". From theory and previous research, we were able to extrapolate the concepts of norm compliance, leverage and

<sup>&</sup>lt;sup>16</sup> See Appendix 1 for the master version of the questionnaire.

conditionality, and migration diplomacy as central to understanding why and how states cooperate on returns and readmissions. As we analysed our data, it became clear that these concepts resonated strongly with our empirical findings, prompting a shift towards a more deductive approach, where these concepts were adopted as analytical tools to categorise and conceptualise our findings.

However, a somewhat novel and surprising finding that was highlighted in our empirical data was the importance of 'liaison officers' in facilitating cooperation on returns and readmissions. Consistent with the abductive approach – involving an iterative back-and-forth between data and theory – we then revisited the literature to explore the concept of external migration management. Guided by analytical abduction, we could thus use the concept of extraterritorial migration management to further interpret and conceptualize our data. Hence, our analytical approach followed the steps of abductive research outlined by Reichertz (2010, 9) who describes how "[w]hen faced with surprising facts, abduction leads us to look for meaning-creating rules, for a possibly valid or fitting explanation that eliminates what is surprising about the facts."

Although there is a growing body of literature regarding public diplomacy (see for example Arceneaux and Bier 2022), this perspective cannot fully account for the material collected. Some of our respondents are street-level bureaucrats – i.e. civil servants who have direct contact with citizens – and even in diplomatic terms, operational seems to be more central than the political when sharing their insights and thoughts about cooperation on return and readmission with Swedish agencies.

# 4.2 A minor quantitative account from a longitudinal perspective

Statistical data on return decisions and implemented cases were obtained from the SMA for the period spanning 2004 to 2023, while data from the Swedish Police were sourced for the period from 2009 to 2023. The data included year, type of decision, country of nationality and demographic data on the returnees. It should be noted that the Police lacked data registered before this period due to changes in case management procedures and functions within the area of returns. We intend to cover a period that reflects not only the latest trends, but also countries of origin whose citizens have been overrepresented in recent decades among the group of migrants lacking a legal permit to stay in Sweden. As noted in previous reports published by Delmi, aggregating data poses challenges due to discrepancies between cases submitted to the Police by the SMA and those registered by the Police. These discrepancies stem from variations in registration systems, data entry processes, and the reassessment of cases, among other factors (see Malm-Lindberg 2020 & Vera-Larrucea, Malm-Lindberg and Asplund, 2021).

Upon review of the data, we decided to focus on a twenty-year timeframe from 2004 to 2023. This period encapsulates the main countries of origin of individuals subject to return decisions and offers insights into migration movements before and beyond the aftermath of the 2015 refugee crisis. Notably, besides countries in the MENA region, other regions such as the Balkans, Caucasus, and Central Asia, as well as countries like Mongolia, are overrepresented in return decisions. These countries represent diverse migration experiences, including refugees, asylum seekers, economic migrants, overstayers, and individuals facing challenges in regularizing their migration status.

Over the chosen two decades, Sweden witnessed diverse migration movements from various regions, responding to different push and pull factors. Armed conflicts in Iraq and Afghanistan, and insecurity in Africa persisted throughout this period. Concurrently, Sweden experienced a heightened restrictiveness in its migration policy, leading to an increased focus on return processes. Through the inclusion of quantitative data spanning these twenty years, we aimed to contextualize the broader migration landscape, discern trends in return decisions, and supplement qualitative insights obtained from interviews with Swedish authorities and diplomatic missions.

# 4.3 Sample: Relevant countries versus available informants

Before initiating the study, we conducted a thorough mapping of relevant stakeholders across various Swedish government agencies to lay the groundwork for understanding the primary landscape of return and readmission. Leveraging previous contacts, insights from our reference group, and conducting our own research, we sought out new sources of data and connections to enrich our investigation.

In a first phase, the qualitative data was gathered among officials working directly with return. Also, we approached civil servants in charge of returns at the Ministry of Justice and the Ministry of Foreign Affairs. Unfortunately, not all officials at the Ministry of Foreign Affairs were open for an interview and therefore we can only include information from just a few of these. Other sources among officials come from our in-depth interviews with officials in the Swedish Police, and some other interviews at the SMA. We also contacted former return liaison officers who had been stationed abroad, which revealed

an interesting topic from a different angle. These return liaison officers were under the mandate of either the Police, i.e. the Swedish Police Authority, or Frontex, i.e. the European Border and Coast Guard Agency.

The core of the material lies in the interviews carried out with diplomatic personnel at the different embassies in Stockholm. Here, the sample departed from the top 20 countries of nationality of those receiving a return decision over the last two decades.

Although we were mainly concerned with the top ten countries of individuals with a return decision, we realized early on that many of these diplomatic missions would be difficult to approach due to the great complexity and sensitivity of the topic. Therefore, we opted for contacting the diplomatic representations of the top 20 nationalities receiving return decisions from the SMA from 2004 to 2023 (see Appendix 2), excluding the categories "stateless" and "unknown nationality". We also included countries that were often mentioned by the Swedish agencies as "difficult cases", to which it is practically impossible to enforce return decisions "by force". Bangladesh was included as it was brought up as an interesting case in our interviews with representatives from the SMA. Moreover, Moldova - a small country with only 499 return cases in the last two decades - was included because of its geopolitical situation as being a transit country bordering the Schengen area, and a neighbour to countries at war. Accordingly, our sample is a result of the most prevalent countries of origin of individuals receiving a return decision, the ones most often referred to as "complex cases" - in terms of the various difficulties involved in implementing return decisions – by the SMA and the Police, and the ones where a significant political effort was invested to ensure cooperation with the return of a specific group, such as Morocco. The diversity within our sample proved invaluable in offering a range of insights and facilitating the exploration of different perspectives, highlighting both the political and operational dimensions of return and readmission procedures.

### Table 2. Countries whose representatives agreed to participate in the study and number of return decisions

Country	Total number of return cases* registered by SMA, 2004–2023
Afghanistan	34,076
Serbia	26,834
Kosovo	12,631
Albania	11,921
Mongolia	10,518
Georgia	8,974
Bosnia and Herzegovina	8,952
Uzbekistan	7,295
Azerbaijan	6,765
Türkiye	6,366
North Macedonia	6,162
Ethiopia	4,706
Morocco	4,015
Bangladesh	3,069
Cuba	559
Moldova	499

Note: the total number is the sum of all return cases registered with the SMA from 2004 to 2023, including voluntary returns, cases handed over to the Police (absconded), cases handed over to the Police (forced), written-off cases, and expired Dublin cases.

Source: Swedish Migration Agency (SMA).

### 4.4 Data collection

#### Reaching our target group

The report contains data from 45 interviews. Of these, 13 were conducted with officers from the SMA and the Police; 11 with officers in different departments at the Government Offices of Sweden; 4 with return liaison officers (3 former officers and one still deployed); and 17 with diplomatic representatives in Stockholm. The majority of the interviews with Swedish officials took place between March and December 2023. Of these, the 13 involved officials from the border control police in Stockholm or the SMA, were primarily conducted face-to-face at Delmi or various workplaces, with four interviews conducted via Skype.

Upon determining the most relevant country cases for our study (see Table 2), we initiated contact with potential respondents. We reached out to most of the embassies via email, primarily using official addresses listed on embassy

websites or the official Stockholm Diplomatic List. While some contact details were outdated or incomplete, the SMA facilitated access to specific officials handling consular matters, with prompt responses in most cases.

Following the initial outreach, two reminders were sent to non-responsive embassies. Despite our efforts, several did not reply, and a few openly declined our interview requests. For select cases deemed crucial, we sent official letters signed by Delmi's Head of Secretariat, Agneta Carlberger-Kundoori, and project leader, Henrik Malm Lindberg.

Out of the 25 embassies contacted, 17 agreed to participate in our study, including the embassies of Albania, Bosnia, Kosovo, Serbia, North Macedonia, Moldova, Georgia, Uzbekistan, Azerbaijan, Türkiye, Morocco, Ethiopia, Afghanistan (representatives of the former government), Bangladesh, Mongolia, Cuba, and a diplomatic representation that later opted not to be mentioned in our report. These interviews occurred between August 2023 and April 2024.

In seven interviews, the ambassador was present, while consular staff were the respondents in the remaining interviews. The focus varied based on their positions, with more emphasis on political commitments in the ambassador interviews, while operational and consular issues predominated elsewhere. Almost all the interviews took place at the respondent's embassy, facilitated by the two main researchers. In 12 interviews, both researchers were present, while in three, only one researcher attended and took notes.

The interviews with diplomatic missions were primarily conducted in English, with two exceptions: one conducted in French at the Moroccan Embassy and another in Spanish at the Cuban Embassy. Some respondents preferred anonymity, while others consented to being mentioned by name and title, with all quotes approved by the respective individuals.

#### Interview method

We carried out two different types of interviews, tailored to the role of our interviewees. The first type, used as background information, consisted of indepth interviews with personnel at the Ministry of Justice, SMA and the Police, primarily within the Department of National Operations (NOA) (*Nationella Operativa Avdelningen*). Interviews conducted with civil servants at the Ministry of Justice and Ministry of Foreign Affairs, compiled for the purposes of a larger project, are only included in the study for background purposes.

The second type of interview, with the diplomatic personnel, had a different character. These were based on a predefined questionnaire, with some specific questions relating to operational issues and the diplomatic relations between the two countries, and others of a more political character. For the crafting of our questionnaire, we considered the issues that previous literature discusses within the area of return and readmission. But we also included questions considering the peculiarities of each case, and topics that arose along the way, such as the relevance of certain pilot programmes in facilitating the identification of returnees.

Since the beginning of our study and considering the sensitive material that was to be discussed in the interviews, we opted for not recording the interviews with diplomats and handling the interview more as a dialogue than a straightforward interview.

Although we had a large amount of information regarding returns from Sweden and accounted for information on the degree of cooperation with the country, we were open to hearing the perspective of the diplomatic representatives. As noted in the introduction to this report, diplomatic missions are positioned to manage both the operational (specific action-taking) and political (general decision-making) dynamics of returns and readmissions by acting as the intermediaries between Swedish agencies and the authorities in the countries which they represent. The predefined questionnaire (see Appendix 1) on which we based our interviews with the diplomatic missions thus encompassed questions on operational issues as well as questions of a more political nature. Consular matters are a world of their own, and each country employs different views in its contact with Swedish agencies. Therefore, there was a focus on the specific functions and interactions between the political and the operational in the interviews.

We were, for the most part, two interviewers, which allowed for one of us to adopt the role of moderator by asking predetermined questions, but also new ones, and responding to the questions of the informants themselves. The other took notes, but also spoke at the end, asking about elements that the main conversation might have left behind.

#### A joint dialogue

A final activity for data gathering was a joint dialogue resembling a focus group discussion, where we discussed our preliminary findings with the diplomats who took part in our study. We intended to approach the topic of return and readmission from a collective perspective. The interviews were mostly based on the individual experience of the country that person represented. Despite the uniqueness of each case, diplomats were able to find common aspects with respect to cooperation with Swedish agencies within the area of the return of their country's citizens. We planned a gathering in November 2023 for the diplomats who had so far participated in our study at the time. Not all of them could take part but our reduced group proved fruitful in terms of conclusions. Ten representatives were present as well as the two researchers in charge of the study, Delmi's chair, Joakim Palme, and other Delmi personnel were also present at the gathering. After a brief presentation of Delmi and our study, we informed them of the preliminary results. We then presented them with three questions to be discussed. The discussions took place in two groups. The first one consisted of diplomats with more expertise in the political field, i.e. ambassadors. The second one was conducted mostly with consular personnel and discussed the operational part of the cooperation.

Neither of the group dialogues were recorded on tape, maintaining our promise of anonymity if the respondent wished. Besides the focus group facilitators (i.e., the researchers responsible for this report), another Delmi colleague sat in on the dialogues taking notes. The discussions were taken under the Chatham House Rule, i.e. no participant is to be named individually but the information provided can be shared and used.<sup>17</sup>

The data gathered as notes, in the qualitative interviews and during our joint dialogues were later saved on external hard disks and only handled by the two researchers responsible for the study, plus a research assistant at Delmi.

# 4.5 Data processing: With a little help from software

Considering the large number of interviews, the different character of the interviews, and the many notes taken during these, we decided to use Computer Assisted Qualitative Data Analysis (CAQDAS) software. Some of our interviews – with Swedish officials mostly – were recorded and later transcribed. The transcripts and notes took up different topics, and it became necessary to structure our data to better visualize the results.

The software NVivo was used for the coding and analysis of the qualitative data. NVivo helps to classify, sort, and synthetize data material by examining different relationships in the data and enriching the analysis by linking to internal or external sources, shaping the data and searching for specific

<sup>&</sup>lt;sup>17</sup> This rule, previously used during Delmi activities, was originally set by Chatham House with the aim of creating a trusted environment in which to understand and resolve complex problems. The guiding idea is to make use of the information received but not reveal the identity of who said it.

attributes.<sup>18</sup> Once the data is imported into the program and coded, it is possible to identify patterns, explore potential relationships, and cross-check information by using specific tools such as queries and search engines. NVivo is particularly appropriate for visualizing data by themes or by study cases. In our case, we had realized early on that the cases of Morocco, Iraq and Afghanistan were mentioned far more frequently by Swedish officials, and we decided to present these as case studies.

Before importing the data into NVivo, the transcripts and notes were organised into themes. Some were predetermined by the questionnaire, while others arose spontaneously during the interviews. We used family codes (predefined topics with established relationships) for those aspects about which we already had some knowledge from previous literature and which were part of the semi-structured questionnaire that we used during our interviews with embassies. The new ones became free codes (new aspects informed by the empirical data) and were coded accordingly to be found later in different interviews, as well as specific aspects informed by experts.

NVivo also made it possible to visualise the tools (see Table 3) that were mentioned as playing a role in achieving compliance with previous agreements and, more specifically, in cooperation at the operational level. Some of these tools are based on previous research and others, our free codes, were mentioned by our interviewees. The latter represent one of the empirical contributions of our study.

Therefore, the software was considered adequate to manage the transcription of the interviews as well as other material such as readmission agreements, external reports, and our own background pro memorias with country-specific information.

### 4.6 A brief note on ethics

This study involved sensitive topics, requiring a nuanced approach to ethical considerations, particularly regarding participant consent and confidentiality. We engaged with representatives from both Swedish agencies and diplomatic missions in Stockholm, focusing on return and readmission processes.

In alignment with ethical research practices, all participants were informed about the study's purpose, their role, and their right to withdraw at any time. All interview notes were anonymized, and participants were assured of the

<sup>&</sup>lt;sup>18</sup> <u>https://www.qsrinternational.com/nvivo-qualitative-data-analysis-software/about/nvivo</u>

confidentiality of their responses. Additionally, participants from diplomatic missions were granted the right to approve any information derived from their interviews before publication, further ensuring that their perspectives were accurately and respectfully represented. As we mentioned earlier, some respondents wished to be anonymous while others had no problem with being mentioned.

# 4.7 Positionality: Navigating our unique position as researchers within an independent government committee

An important consideration that influenced our response rate is that although we, the researchers, work at an independent committee that submits its publications to academic peer review, we are still under the auspices of the Swedish Ministry of Justice. While this association may open doors and foster a welcoming attitude among civil servants working at government agencies such as the SMA and the Swedish Police, both of which report to the Ministry of Justice, it can also lead to reluctance from certain respondents.

When conducting our fieldwork, we got the sense that some respondents at the diplomatic missions viewed engagement with 'government-affiliated' researchers favourably, perceiving it as an opportunity to convey their perspectives directly to the relevant agencies. However, others may have harboured reservations about engaging with researchers perceived to be closely linked to government institutions, potentially due to concerns about confidentiality, bias, or the implications of their responses. While our association with the Ministry of Justice may have enhanced our credibility and trustworthiness in the eyes of some respondents, it could also have evoked scepticism or reluctance, as some individuals may be wary of potential consequences or implications associated with sharing their insights with 'government-affiliated' researchers.

### 4.8 On the strengths and limitations of the study

One of the main challenges encountered during this study was establishing contact with diplomatic missions on a topic as sensitive as return and readmission. Unfortunately, we were unable to reach some of the more significant cases in terms of the number of nationals receiving return decisions or the difficulties associated with implementing these returns. Specifically, we could not establish contact with the embassies of Iraq and Somalia, which have been numerically at the top of return decisions over the past decade. Similarly, our attempts to reach the embassies of Iran and Lebanon were unsuccessful, as their legislation virtually prohibits the enforcement of returns by force. Although direct engagement with these embassies would have enriched our understanding of their regulations, we still believe that the material we gathered is valuable and enabled us to draw important conclusions.

We also collected a significant amount of data from Swedish government agencies and officials who work in the intricate world of migration diplomacy. Their insights helped us to better understand the role and function of foreign representatives in Sweden, but also gave us an interesting point of view criticizing certain foreign representations. In this sense, we had access to the readmission picture from another strand, which helped us see the nuances.

Despite the limitations of our study, we were able to gather a rich material from among different diplomatic missions. We collected experiences that reflect different realities, different approaches towards migration and different incentives to cooperate with Swedish agencies. The variation among our respondents offers good opportunities to study what works and what doesn't within the implementation of return decisions.

Considering our definition of an effective management of return and readmission, we believe that investigating cooperation is valuable even for the cases where return cases are less frequent. Assessing problems, mistakes, learning from previous experiences and the specificities of each case can contribute to a better cooperation and coordination between Swedish agencies and countries of origin in general. Migration trends are difficult to predict. Therefore, it is important to plan and sustain long-standing coordination with foreign authorities. On the other hand, the particularities of each case can reveal the complexity of return management but also the need to approach coordination from a country-specific perspective.

### 5. Managing Return Migration: Instruments and Strategies when Interacting with Foreign Authorities

As previously noted, cooperation between authorities on return and readmission is connected to the overarching political will of countries of origin to cooperate on returns and readmissions. This political will, crucial for the success of return and readmission processes, is often beyond the direct influence of actors at the operational level. Instead, it is shaped by the prevailing political climate and fostered primarily through diplomatic dialogue. As such, diplomatic missions, including embassies and consulates, are not only involved in coordinating the logistical aspects of returns and readmissions but also navigate the political and strategic dimensions inherent in these processes.

Against this background, this chapter delves into the political tools employed to enhance cooperation on return and readmission processes and how these are perceived by the diplomatic missions. We employ the concepts of norm compliance, conditionality and leverage, migration diplomacy, and extra-territorial migration management to help us understand why and how a political will to cooperate on returns and readmissions is achieved. We examine the challenges encountered in navigating diplomatic channels, and the strategies employed by the host country to overcome them. Some of these strategies consider the use of readmission agreements, the deployment of return liaison officers, and the delegation visits method.

This chapter offers insights into the complexities of managing return and readmission processes in a diplomatic context. It underscores the significance of diplomatic engagement and the whole-of-government approach in shaping migration policies and practices at both national and international levels, including the reception of foreign delegations for information exchange. By doing so, this chapter lays the groundwork for understanding the political context within which the operational work of implementing return and readmission policy takes place.

# 5.1 Strategies and instruments to ensure cooperation

The politics of returns require coordination between host countries and countries of origin. Return policies need to consider the predisposition and internal conditions of the countries of origin that ought to readmit citizens to ensure policies that are feasible to implement, and thorough agreements complied with by all parties. Instruments used to ensure cooperation can act at an operational or a political level, and sometimes both. At the political level, we see that these instruments are used within the perspective of migration diplomacy. The concept, as defined by Adamson and Tsourapas (2019), considers the use of diplomatic tools, processes, and procedures to manage, in this specific case, the return and readmission of individuals. However, the tools are used in different areas and to influence return cooperation to different extents and at different moments in return and readmission processes.

The difficulty in implementation relates mainly to the wills of two parties. First, the will of the applicant. If they refuse to return voluntarily, then the process might be implemented by force or "escorted". The second is the will of the foreign authorities who might be unable or unwilling to cooperate. The management of return policies has developed a range of tools, which can respond to return and readmission in general, or be designed according to specific cases. Such tools are used at a more macro, or political level, or at a meso- or micro-operational level. We have identified a range of different tools in previous research, and public reports, during our enquiries with Swedish agencies. Some are part of politically designed strategies, while others are adopted ad hoc, suiting the needs and available resources of, in this case, Swedish agencies.

The most traditional instruments, such as readmission agreements, were informed by previous research. Other depictions of strategies and instruments have been identified from previous empirical studies on extraterritorial migration management. However, other instruments to ensure cooperation within the return process that were later spontaneously mentioned by our interviewees were absent from previous literature and reports. From all these sources, the existing literature and the empirical material collected, we have created a list summarising the instruments used when seeking cooperation for different aspects of the return and readmission processes.

All these tools are designed to ensure cooperation on return and readmission. These can be related to different theoretical elements. Some tend more towards norm compliance. Some act within the area of conditionality by setting a number of conditions intended to ensure the political will to readmit nationals. This is the case in readmission agreements, formalized or not, which are negotiated and drafted at a political level, while other tools are used more at an operational level and are tools of migration diplomacy at a middle ground, or even micro level, used here as coordination tools.

Туре	Tool	Aim	Actors
Readmission	Bilateral	Formalized	Sweden +
arrangements		cooperation. Set	Country of origin
		conditions for an	Frontex
		orderly return of individuals.	
	Multilateral	Formalized	EU + Receiving
	Matthaterat	cooperation. Set	countries.
		conditions for an	Freedow
		orderly return of	Frontex
		individuals from	
		the Schengen	
	Non-binding	area. Countries that	E.g. Ethiopia
	(MoU, verbal)	do not want to	<b>-</b> .
	(	or cannot enter	Afghanistan
		into formal	
		cooperation.	
		Other aspects	
		are negotiated, and states	
		consider returns	
		as part of the	
		negotiations (for	
		EU membership,	
		for example).	
		These might	
		assume	
		negotiations	
		towards a better	
		understanding – e.g. Joint Way	
		Forward.	
		A 'gentleman's word' to solve	
		political and	
		operational	
		aspects	
		facilitating the	
		return of	
		individuals.	

### Table 3. Instruments to ensure cooperation on returns and readmissions

Туре	Tool	Aim	Actors
Incentive-based	Aid to	Withdrawal of	EU or individual
	development	economic, or	Member States.
		other sorts of	
		help for	Sweden through
		development	Sida.
	Visa/admission	Facilitation to	EU
		enter and or	
		reside in the	
		Schengen area.	
		An effort to	
		reduce the price	
		of readmission.	
	Diplomatic	Seeking	Swedish Justice
	interplay	compliance at a	or Migration
		micro level.	Minister and
		Embassy	Ambassadors
		(mostly consular	based in
		matters).	Sweden.
	Access/gains in	Facilitation in	Bilateral.
	other political	other areas,	High political
	domains	commonly trade,	level.
		in exchange for	
		a smoother	
		readmission of	
		returnees	
		(especially	
		forced returns).	
		Targets reducing the price of	
		readmissions.	
Coordination	Embassy	Direct contact	SMA – Unit for
coordination	Coordinators	with diplomatic	return
	ooor aniator s	representations	coordination.
		for issues	coor aniation.
		pertaining to	
		returns. It	
		applies mostly	
		to requests for	
		travel	
		documents. In	
		certain cases,	
		also to assess	
		the real identity,	
		and in particular,	
		the nationality of	
		the returnee.	

Туре	Tool	Aim	Actors
	Identification missions Study/delegation	Local authorities in countries of origin can be informed (and convinced) of the necessity to readmit their citizens. Knowledge,	International division at SMA. Local authorities and street-level civil servants from countries of origin. Initiated by
	visits	expertise, and cooperation when enforcing return decisions. Empowerment of local authorities.	international organizations IOM, UNHCR, ICMPD, etc. Countries of origin officials and SMA
			International Division.
Extraterritorial migration management	RLO	Return liaison officers to improve cooperation with authorities in the country of origin.	Swedish Police Authority
	ARLO Rapid Deployment Officers (ARLO/RDO)	To create a permanent organization that enables the deployment of ambulatory return liaison officers.	Swedish Police Authority Financed by the EU's Asylum, Migration and Integration Fund (AMIF)
	EURLO	To improve cooperation with authorities in the country but also with European partners to enable a more efficient return. Supports joint return operations. To facilitate reintegration and post-arrival assistance.	European Union and Member State government agencies. Frontex (EU) The European Regions Research and Innovation Network (ERRIN) is involved.

Туре	Tool	Aim	Actors
Last resort	Political level dialogue	To persuade the country of origin through high- level talks (ministries, ambassadors) to cooperate with necessary steps for readmission. To be used after non-compliance or repeated lack of cooperation.	Ministry of Justice Ministry for Foreign Affairs and sometimes Ministry for the Interior in countries of origin.
	Sanctions	Sanctions due to a breach of the terms of the readmission agreement. Denounced by Member States. Looking for compliance and future stability in the terms of the agreement. Sanctions: Reduced financial aid and visa restrictions.	EU, individual Member States.

Among this myriad of instruments, we choose to look deeper into specifically three types: readmission agreements, coordination tools, and Return Liaison Officers. These instruments and their respective tools mix elements previously discussed in our theory concepts – conditionality and leverage, extraterritorial migration management, and migration diplomacy. However, these are employed differently depending on the particularities of each case. Our data, gathered mainly among diplomats, can reveal the intricacies of applying tools to different cases within the return and readmission area.

The coming sections discuss three specific instruments: readmission agreements, the work of return liaison officers, and the organization of delegation visits. Meanwhile the next chapter delves into a more operational level by describing the coordination role of officers at the SMA and the Swedish Police.

#### **Readmission agreements**

As previously mentioned in the theory chapter, there is an inherent need to reduce uncertainty to ensure a solid and sustainable migration policy. The effectiveness of return policy requires a formal mechanism of implementation which, in certain cases, cannot be fully enforced without established cooperation with the country of origin. Like all tools within international relations, readmission agreements require a level of understanding among two or more states. They require the political will to achieve a decision and a spirit of cooperation that can be sustained over time. Readmission agreements are usually signed on the basis of reciprocity. However, as we previously discussed these are unbalanced reciprocities as the mutual obligations cannot apply symmetrically to the parties (Cassarino 2010).

#### Effectiveness of the agreements

In most cases within the implementation of return policies, Swedish agencies are dependent on the identification and travel documents that consular services within an embassy are expected to provide. In this sense, if an individual does not wish to, or is unable to, get travel documents by themself, the SMA or the Police are dependent on the willingness and capacity of the consular personnel:

With some countries [the help we receive] might be person-based. And it gets even more personal when there is no agreement to refer to.

Representative 1, Unit for return coordination, SMA

Once an agreement is signed and ratified, states might also produce a protocol for the implementation. These protocols, briefly introduced in the previous background chapter of this report, detail the process, tools and actors that implement the content of the agreement. Such protocols might facilitate the operational work of liaison officers in Sweden but also of the national authorities in countries readmitting citizens.

The often-mentioned criticism of low return rates might generate low hopes on the results of formalized readmission agreements. Still, these agreements facilitate the task of officials in charge of enforcing return decisions. Although not all of them are binding, they imply a will to cooperate and readmit citizens, and a document to refer to.

There are, however, other aspects that might contribute to a more sustainable and functioning management of returns in the long run. From a purely numerical perspective, little is known about whether these agreements have led to better cooperation on returns. This is difficult to assess, and different agencies would need to be consulted. For our specific case, during our interviews we were informed that, in operational terms, an agreement is a useful tool for Swedish agencies. The existence of a readmission agreement was often mentioned by our respondents within the SMA and the Police. There seems to be a preference towards bilateral arrangements because any problems derived from the agreement can be taken up directly with the signatories. Whereas within the EU agreements, the claims must be presented to both the European Commission and the country in question:

A fairly large part of the EU agreements works well. The country and ourselves have to relate to the agreement and there is a standardized way of doing things and the agreement is accepted. Then it's good, because when it comes to the EU agreements...if something doesn't work, you have a meeting with the EU and the country in question, but there are also bilateral agreements that work. It varies from country to country. Hard to say in general terms. In many cases, you can exchange experiences with other Member States about what works and what doesn't. Representative 1, Unit for return coordination, SMA

An agreement is not only a mechanism to facilitate the return of individuals. It also sets certain conditions and establishes which actors are going to assume the responsibility for different processes associated with readmission. These include aspects such as assessing the correct identity of the returnee and producing travel documents to provide support once the individual has been readmitted to their country of nationality<sup>19</sup>.

#### Afghanistan

Since the 2000s, the number of Afghan nationals seeking protection in Sweden has increased significantly. Previously, the SMA recorded very few asylum applications. After the US invasion of Afghanistan in 2001, a large number of Afghans arrived in Sweden and applied for asylum (Lengqvist 2008). Not all of them were granted protection. The lack of willingness and logistical constraints in return and readmission was the impetus for a more orderly and systematic return procedure. By 2005 the Swedish agencies had already warned of the

<sup>&</sup>lt;sup>19</sup> Country of nationality is the country that recognizes the individual as a citizen, or when there is sound proof in terms of existing documentation proving the legal bond of a person with a state. This might not be the country that the individual recognizes as their country of origin or "home". In international law, no country is obliged to receive an alien with no legal bond to it. There is, however, an obligation to receive third-country nationals who possess a legal permit to reside in such a country. This is usually a point of conflict within return policy. There is usually a clause in readmission agreements specifically stipulating processes for the readmission of third-country citizens.

need for a formal mechanism of return to Afghanistan. With the help of UNHCR, Sweden signed a tripartite Memorandum of Understanding with Afghanistan in June 2007. The purpose of the agreement was to facilitate an orderly return and set the grounds for reintegration.

During the refugee crisis, around a quarter of a million Afghan citizens reached EU territory<sup>20</sup>. Among the large number of individuals who sought a safe haven in Sweden after a difficult journey, Afghan asylum seekers – 42,000 in 2015 – were overrepresented along with Syrians. Not all of them qualified for asylum. The protection rate of Afghan nationals was less than 50% in Sweden. This is a low protection rate when compared to countries like Italy where, by 2016, an Afghan citizen had a 98% chance of receiving protection (Parusel and Schneider 2017). The large number of rejected asylum applicants soon translated into difficulties in implementing returns.

Many efforts were put in place to ensure a more 'effective' return, with effective meaning a large number of implemented return decisions. This attracted significant attention from the media. At the same time, Sweden received criticism for returning children,<sup>21</sup> the disabled.<sup>22</sup> and large groups of individuals, who – due to their ethnicity – might suffer persecution.<sup>23</sup> Besides, in many cases the returnees had never resided in Afghanistan before being sent there (Amnesty 2017). The media and civil society associations paid particular attention to the deportation of unaccompanied minors.

EU Members States, specifically Germany, pushed for a facilitated mechanism to return Afghan citizens. The EU then drafted and signed a special agreement with Afghanistan. This arrangement was controversial. It generated an interesting debate in both Europe and Afghanistan. There was some disagreement within the Afghan government regarding the acceptance of returnees, which aggravated the negotiations (Bjelica and Muzhari 2016).

The agreement established that special measures will be taken to ensure that vulnerable groups (unaccompanied minors, single women and female-headed households, the elderly, and seriously sick people) will receive adequate protection, assistance and care throughout the return and reintegration process. The agreement also stressed that family unifications should be respected. The

<sup>&</sup>lt;sup>20</sup> EUROSTAT Total population in the European Union is expected to increase of an additional d1 million during the first quarter of the twe (europa.eu)

<sup>&</sup>lt;sup>21</sup> <u>Migration Agency criticised for child deportations - Radio Sweden | Sveriges Radio</u>

<sup>&</sup>lt;sup>22</sup> CRPD: Rules Sweden's decision to deport Afghan would deteriorate his mental health condition | European Database of Asylum Law (asylumlawdatabase.eu)

<sup>&</sup>lt;sup>23</sup> <u>Sweden sends us to be killed': young Afghans face perilous deportation | Sweden | The Guardian</u>

arrangement to ensure a smoother return process from the EU to Afghanistan was called a Joint Way Forward. As a return mechanism, this agreement was criticized from different angles. Among other criticisms, the agreement with Afghanistan contravened the Parliamentary Assembly recommendations regarding readmission agreements. The Parliamentary Assembly, in its text "Readmission agreements: a mechanism for returning irregular migrants" established that Member States and the EU shall only negotiate and apply readmission agreements with countries that respect human rights and those that have a functioning asylum system in place (Parliamentary Assembly 2010). The criticism was then motivated by Afghanistan's domestic situation. The safe country principle – until then a condition to enter into such an agreement – had to be reinterpreted (Slominski and Trauner 2020, 108). This instrument, part of the EU's 'soft law' approach, required the Afghan government to accept a more active return cooperation in exchange for development aid. The agreement, criticized for putting effectiveness over principles among other things (Fernando-Gonzalo 2023) pushed Member States to tighten their own rules and operational procedures regarding the return of Afghan citizens (Slominski and Trauner 2020). This pushed Sweden to negotiate and sign a second Memorandum of Understanding with Afghanistan, this time of a bilateral nature. in 2016.

With the signature of the 2016 MoU, all parties involved expected a more effective, in numbers and conditions of reception, return of Afghan citizens. The MoU was not the only tool implemented by the Swedish Government to implement return decisions. Sweden deployed a return liaison officer in Kabul to facilitate the operational part of readmission and there were some integration programmes funded through IOM in order to facilitate returns.

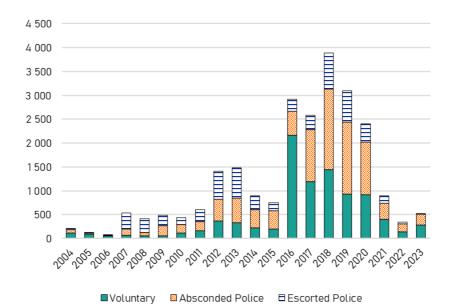


Figure 7. Return decisions for Afghan refugees by outcome

#### Source: 2024 Swedish Migration Agency data. Delmi's own processing.

In 2016 after the MoU was implemented, over 2,000 Afghan citizens returned voluntarily. Although this might also be an effect of the large numbers of asylum seekers who arrived in the two previous years and had been rejected, we see that these numbers are still high. The number of returns escorted by police officers, i.e. by force, also shows an increase in the years after the agreement was signed (see Appendix 3).

Still, this might be a consequence of the numbers arriving in Sweden in the previous years. At the operational level, the memorandum of understanding is perceived as ineffective, as one of our respondents mentioned:

With Afghanistan, there was a memorandum that meant nothing. Then there will be a bit of frustration, but as case managers, we collaborated with unit experts and [it is the]unit experts who get to take that part more than us case managers.

Q: When you say that memorandum means nothing, in operational terms, what does that mean? That you cannot get help from the memorandum to enforce or use it to pressure local authorities?

Well, but exactly, if it says in the document that the countries are required to do this and that, it has sometimes become the case that you don't do that, you don't issue travel documents in the end in the way that we interpret the agreement. That's what happened with Afghanistan, there was no difference. But the problem was that we still could not own the case without the applicant having to solve it himself. And then it is very much about the will of the individual. Representative 2, Unit for return coordination, SMA

In this case, the case manager is not satisfied with the effects of the memorandum of understanding. Because in operational terms, according to his experience, the MoU did not lead to a better outcome as the SMA couldn't actually enforce a return trip. Although after the signature of the MoU there was an increase in returns in all categories i.e. voluntary and forced, it was still in the hands of the individual to initiate the preparations for return. Memorandums of understanding might improve the leverage of countries, but these do not change the will of the individuals who are to be returned.

The difficulties described by the SMA have to do with practical aspects. An individual might agree to a return but still not feel motivated to visit the embassy and get their necessary documents. This leaves space for an irregular stay in Sweden. An indirect and preliminary conclusion is that even though all these readmission arrangements are signed among states, but the will of the potential returnee might remain the same. The conditions and gains might change for the states who sign the arrangement, but there is no certainty for the individual that the conditions will positively affect their particular situation after return. Therefore, the conditionalities imposed by agreements might not always result in leverage. Although states might comply with norms, individuals might not. Norm compliance pertains to states within an uncertain world. Individuals do not necessarily follow this logic.

The agreements and memorandums of understanding were drafted, agreed with and signed under a democratic regime in Afghanistan. Even so, returns did not work properly, and previous studies showed that returnees found themselves in a difficult position. After return, the ethnicity of most Afghan citizens who had returned from Sweden became a problem for their reintegration. The great majority were of Dari origin with few to no connections to Afghanistan after suffering ethnic persecution in the past and being displaced to the Iranian border. They struggled to get 'reintegrated' into their country of nationality (Vera Larrucea, Malm Lindberg and Asplund 2021). Still, Afghan returnees qualified for a number of reintegration grants, which did not work perfectly, making reintegration harsh for the majority (see for example, Majidi, 2017). The constant activity that Sweden and other EU countries engaged in to ensure a more effective return to Afghanistan ended abruptly. In August 2021 the unstable situation of the then government became difficult to sustain without US military aid. The previous year in Qatar, the US had signed a ceasefire treaty with the Taliban after decades of foreign military presence in Afghanistan<sup>24</sup>. Shortly after the withdrawal of US troops, Taliban forces rapidly took over Kabul. The Afghan national forces were unable to resist, and the Taliban seized power, installing a new government<sup>25</sup>. The foreign representations present in Kabul as well as international organizations evacuated the country in the days following. The Taliban administration was, and still is, condemned by Western countries and regarded with caution by its neighbours.

The European Union decided to have very limited relations with the Taliban regime, and is now reduced to a few specific areas, with certain trade provisions being part of these. Migration, however, is not part of these.<sup>26</sup> Initially, the new Taliban government did not have diplomatic missions. A year after taking power, they claimed to have representations in 14 states, mostly neighbouring countries<sup>27</sup>. The majority of Afghanistan's diplomatic missions abroad are still run by diplomats who are representatives of the previous government. This is the case at the Afghanistan Embassy in Sweden. Prior to 2021, due to the large Afghan diaspora that in just a few years had increased significantly in Sweden, and the large number of return cases, the Afghanistan Embassy had grown in capacity and personnel. Relations with the Swedish agencies had improved, and the cooperation was defined as good by both parties. This changed significantly after August 2021.

The SMA decided to halt all return decisions to Afghanistan in July 2021 and, in the same month decision-making concerning Afghan citizen asylum cases were suspended. A new set of guidelines later in September that year allowed the SMA to re-examine cases of rejected asylum seekers in light of the country's new conditions (The Swedish Refugee Law Center 2022). Much has been reported in the Swedish media about potential escorted returns through charter flights<sup>28</sup> via Uzbekistan – a country with which Sweden is currently negotiating a readmission agreement. Although we were unable to verify this information,

<sup>&</sup>lt;sup>24</sup> Withdrawal from Afghanistan: What you need to know - DW - 06/30/2021

<sup>&</sup>lt;sup>25</sup> Taliban are back - what next for Afghanistan? (bbc.com)

<sup>&</sup>lt;sup>26</sup> Interview with Representative of the Ministry of Justice.

<sup>&</sup>lt;sup>27</sup> The Taliban says people in Afghanistan on previous government's visas can stay for now | AP News

<sup>&</sup>lt;sup>28</sup> SVT: Fler ska utvisas till Afghanistan – med svartlistat flygbolag – Nyheter (Ekot) | Sveriges Radio

internal sources at the Police informed that there is currently no systematic plan to return a large number of Afghan citizens as there is no ongoing cooperation with the de facto authorities in Afghanistan.

The Afghanistan representative of the former government<sup>29</sup> has a clear opinion regarding the plans to return Afghan citizens to Afghanistan:

Regarding the consideration of returning people to Afghanistan given the challenging situation there [I would say that] addressing migration is a shared responsibility that we can tackle collaboratively. Currently, there are some communication challenges with the migration authority, but we're optimistic about finding solutions together. They primarily coordinate with the embassy when arranging returns. Let's view this as an opportunity for constructive collaboration rather than merely following instructions. Over the past four years, especially since 2021, there have been huge changes in the situation. It's important to prioritize compassion and safety for those returning. The circumstances in Afghanistan are unique and require delicate handling, particularly to avoid forced returns. There are rumours about potentially returning 20,000 people to Afghanistan. If this happens, it could significantly influence the situation across Europe. Let's advocate for respecting human rights and exploring alternative solutions for those affected.

Ambassador Abbas Noyan, Representative of the former government of Afghanistan.

The management of return decisions to Afghanistan is undoubtedly a difficult case for all the parties involved, but most especially for Afghan citizens without a legal permit to stay in Europe. If the return prospects looked gloomy in the past, now a 'reintegration' to Afghanistan seems even more difficult. Still, there are almost 68,000 Afghan citizens legally residing in the EU who might need consular services. The situation of the Embassy in Sweden is also difficult. Although the diplomatic representation present in Stockholm has no formal relationship to the Taliban regime, they can still produce travel documents. The representation also offers consular services by having access to Afghan records. However, their function has been made difficult to some extent by the sanctions imposed by Western countries on Afghanistan. For example, it is difficult for the Embassy to manage its finances now that their accounts have been cancelled and they cannot receive payments from credit

<sup>&</sup>lt;sup>29</sup> It is important to note that this interview took place in 2023.

or debit cards.<sup>30</sup> As the representative mentioned in the quote above, the Embassy has had difficulties in contacting Swedish agencies to receive some help with these matters, which are mostly operational<sup>31</sup>.

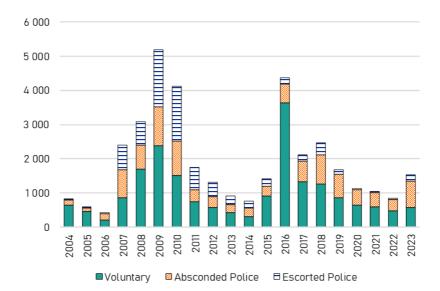
In this particular case, Sweden invested a number of resources into implementing return decisions to Afghanistan. Prior to August 2021, many incentives - through reintegration packages - were offered to both individuals and the Afghan state in the hope of leveraging a humane and sustainable reintegration process. However, the instability of the country, due to both internal and external factors, renders previous agreements useless as soon as a crisis occurs. Here, we can clearly see that those elements of positive conditionality, both from the European Union (mainly development assistance and diplomatic engagement) and from Sweden (development assistance to the state and to returnees in the form of reintegration grants), were not sustainable after a regime change. Although it is still possible to return to Afghanistan voluntarily, very few would consider doing so in the current situation. An important consideration is that a readmission agreement is signed with a particular government within a state. If there is a change of government, the agreement may no longer apply. There is therefore little prospect of success for a Memorandum of Understanding if the government in power is not stable enough to make a long-term commitment. Moreover, although Afghanistan has benefited from development assistance from several European countries - a positive conditionality - readmission procedures have not been able to ensure the sustainable reintegration of returnees, which was the expected leverage. The many efforts to achieve more effective cooperation did not necessarily translate into better conditions for reintegration.

#### Iraq

Over the past decades, Iraq has faced two wars, political instability, the threat of Islamic State, and significant post-war instability. The country has experienced a plethora of push factors that have caused its citizens to migrate. Many of them have ended up on European soil. Some arrived legally, while others used irregular routes. Family reunification also contributed to the migration of Iraqi nationals to EU Member States. Migration diplomacy has been used by both EU Member States and Iraq to deter migration in exchange for development assistance.

<sup>&</sup>lt;sup>30</sup> The Taliban are only considered the de facto governing force in Afghanistan by the EU. Most Afghan diplomatic representations abroad – when financial capacity allows them to continue to operate embassies, consulates, and at the UN –do not represent the current governing force in Afghanistan. There are four exceptions, with China, Pakistan, Russia and Turkmenistan having accredited Taliban-appointed diplomats. <u>Future of</u> <u>Sino-Afghan relations (europa.eu)</u>

<sup>&</sup>lt;sup>31</sup> Interview at Afghanistan Embassy.





#### Source: 2024 Swedish Migration Agency data. Delmi's own processing.

The Iragi diaspora in Sweden is large. According to Statistics Sweden,<sup>32</sup> towards the end of 2022, more than 145,000 people born in Iraq were registered in Sweden. The first large group of Iragis arrived in the mid-1990s. In the following decade, their families migrated to reunite with those already in Sweden. Later, IS occupation of parts of the country, a generous asylum policy and chain migration may have been behind the spontaneous arrival of thousands of Iragis during 2015-16. However, not all Iragi citizens were considered in need of protection by the SMA. Many received a return decision after having been refused asylum. Over the past decade, Irag has been the top country of origin for citizens who received a return decision, preceded only by Afghanistan in recent years. According to the SMA, over 38,000 Iragi nationals have been ordered to return in the last twenty years, in most cases because of a rejected asylum claim (see Appendix 3). Of these, over 20,000 have returned voluntarily (See Appendix 4), although it is difficult to know the exact number as some of those who absconded may have returned to Irag but after reaching another EU country. Those who have absconded or expressed an unwillingness to return have attracted considerable attention from the relevant Swedish agencies.

<sup>32</sup> www.scb.se

Already in 2008, Sweden and Iraq signed a Memorandum of Understanding. The political work to facilitate returns to Iraq has been intensive since the preparations of the Memorandum of Understanding. Officials at the SMA, the Police and the Ministry of Justice concur that cooperation in the area of return worked relatively well in the years after the MoU being signed. The country has remained as a priority in subsequent years.

Iraq has always been a priority... Until 2011 there was a wellfunctioning return. The work within return issues towards Iraq was a predecessor for the current work. There was an early coordination with the Foreign Affairs Ministry. The contacts were made at a high level. It has been a long-term work for at least five years now.

Representative 1, Ministry of Justice

Much has happened since the signing of the 2008 MoU. Iraq has struggled to achieve political and economic stability during three turbulent decades. The difficulties in facilitating readmission of their citizens, a high number, can be illustrated when looking at compliance with the commitment signed with the EU. The European Union arranged a series of meetings within the framework of the EU-Iraq informal migration dialogue in 2017 which culminated in the 2018 Partnership and Cooperation Agreement. Although there was an established mechanism to refer to, in the subsequent meetings the European Commission noted that:

Identification processes deliver unsatisfactory or no results for Member States representing more than two-thirds of the return decisions issued to Iraqi nationals and rarely lead to the issuance of travel documents. Iraqi authorities cooperate only on voluntary returns and in very exceptional cases (Iraqi nationals convicted for a criminal offence) on forced returns. Moreover, notwithstanding the conclusion of the EU-Iraq Partnership and Cooperation Agreement in August 2018, the obligation under that agreement to readmit own nationals who are illegally present on the territory of the other Party is not respected.

European Commission, 2021<sup>33</sup>

<sup>&</sup>lt;sup>33</sup> European Commission. (2021). Proposal for a Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Armenia on the exchange of personal data between the European Union Agency for Law Enforcement Cooperation (Europol) and the Republic of Armenia. COM(2021) 414 final. Available at: <u>https://eur-lex.europa.eu/legalcontent/EN/TXT/HTML/?uri=CELEX%3A52021PC0414</u>

The above quote is from the Council Implementing Decision on the suspension of certain provisions of the Regulation (EC 810/2009), which also mentions that four Member States have bilateral agreements with Iraq which are "rarely respected". Among these was Sweden. Although the Commission has drafted a proposal to take temporary restrictive visa measures against Iraq, which has been discussed in the Council, no decision has been reached yet.

As already mentioned, a more effective return is one of the main priorities of the Swedish coalition government that came to power in 2022. As Irag is one of the main countries of origin of people who have received a return decision, further work has been dedicated to approaching the Iragi authorities for more fluid cooperation. Examples of such work are diplomatic dialogues, official visits, exchange of information, etc. According to our interviewees in the SMA, the Police, the Ministry of Justice and the Ministry of Foreign Affairs, these efforts have been fruitful. The efforts have resulted in a strategy that goes beyond the mere readmission arrangement towards a form of high-level migration diplomacy, which includes the action of ministries at the Justice and Foreign Affairs Ministries. Among our interviewees within the Swedish agencies, we see that the relevance of this case is precisely the large number of Iraqis who do not want to return to their country of origin. If forced return is difficult, the return of large numbers makes this even more difficult. The process, as with most forced returns, involves establishing the true identity of individuals, obtaining travel documents, organising the trip, sometimes escorting individuals to and during the flight, and ensuring the readmission of individuals who are unwilling to enter the country. A number of escorted flights to Irag have attracted the attention of the media<sup>34</sup> and human rights organisations, who have criticised the conditions of the trips and the legitimacy of the enforcement. Despite this, this was seen as a success by the authorities, who had been trying to enforce returns for several months. However, certain events in Sweden were about to challenge this 'opening' in the cooperation on returns.

In June 2023, the Police authorized a public gathering (*allmän sammankomst*), a demonstration outside a mosque in central Stockholm. This demonstration occurred at the same time as Muslims were celebrating Eid al-Adha, one of their most important holidays<sup>35</sup>. During the demonstration, a Koran was ripped and burned. The event was repeated at other demonstrations, most notably in front of the Turkish Embassy. This caused significant tensions with Türkiye

 <sup>&</sup>lt;sup>34</sup> Sweden forcibly deporting Iraqi citizens - Radio Sweden | Sveriges Radio
 <sup>35</sup> Koranbränningarna på 60 sekunder | SVT Nyheter

Salwan Momika planerar ny koranbränning i Stockholm – Nyheter (Ekot) | Sveriges Radio

during the process of ratifying Sweden as a member of NATO<sup>36</sup>. Although the Police authorized a demonstration under the public gathering rules, the events were reported as "Koran burnings" by media outlets around the world. The burning of what is considered the most sacred book in countries of Muslim faith aroused several protests in the Middle East<sup>37</sup>. On 19 July 2023, hundreds of protesters stormed and burned the Swedish Embassy in Baghdad. Although no member of the diplomatic mission was hurt during the protest, this generated a diplomatic conflict, and the Iraqi Ambassador was summoned by the Swedish agencies to discuss the attack. This had, of course, consequences for the work achieved within return policy. Still, the strategy of enhanced political dialogue with Iraq continues even after the events at the Embassy in Baghdad, as the following quote illustrates:

... Nowadays there is an intensified work that is high on the agenda. Closer and more frequent contact are established. [But] After coming close to the political level, there was a setback.

Q: After August 2023? How was that managed?

Diplomacy exists for this reason. It is a challenge to explain to countries about, for example, Swedish Norms of Freedom of Expression. But on that part the Foreign Ministry officers are experts in dialogue.

Representative 1, Ministry of Justice

Although the SMA often have meetings with the diplomatic personnel from Iraq<sup>38</sup> and voluntary returns keep being implemented<sup>39</sup>, the window of opportunity that was momentarily opened through intensified political work seems to have been closed. At least for some time. Norm compliance in this case is not only dependent on the domestic stability of the country of origin, but also the host country, Sweden. Although there was an agreement in the form of a Memorandum of Understanding, this is not enough to diminish the uncertainty surrounding readmission cooperation. Migration diplomacy sees migration management as a proxy for other aspects that require negotiation: migration control being desirable as the gain for one country, and the cost of

<sup>&</sup>lt;sup>36</sup> Turkish anger after Quran burning, Kurd protests in Sweden | Islamophobia News | Al Jazeera

<sup>&</sup>lt;sup>37</sup> Iraq expels Swedish ambassador over planned Koran burning | Reuters

<sup>&</sup>lt;sup>38</sup> Within the framework of this study, we contacted the Embassy of Iraq to know more about their policies and cooperation with the Swedish authorities. Unfortunately, we received no answer.

<sup>&</sup>lt;sup>39</sup> Interview with Migration Agency Embassy Coordinators.

particular gains for the other. But in certain cases, it is not possible to control migration flows and the country of origin might not be able comply with established agreements, notwithstanding the incentives offered by the host countries, in this case the EU.

#### Morocco

Although Morocco is not among the top ten countries accumulating return decisions at the SMA, it is a country mentioned often by the agency representatives interviewed in this study on the topic of political efforts when enforcing returns. The case of Morocco is a special one considering the visibility of the returnees, in the media and society, and the efforts made to achieve cooperation with the Moroccan authorities. The case of Moroccan returnees illustrates the extent to which return escalated on the Swedish agenda, the concessions made during negotiations, and the success that can be expected when a thorough political effort is planned and executed by different actors in the Government.

Morocco is a special case when it comes to return and readmission due to its colonial past, its proximity to Europe and its conditions as a transit country for many citizens from African countries who plan to migrate to Europe. However, the country does not have a readmission agreement with the European Union. Morocco has concluded agreements with certain individual Member States, not only aiming at readmitting its nationals but also recognizing Morocco as transit country for African immigrants travelling to Europe (El Arbi 2003). The European Union has been negotiating readmission with Morocco since 2000 without success. Despite the fact that most countries adopt a European Union Readmission Agreement (EURA) after negotiating a Mobility Partnership (like most of the Balkan countries), this was not the case with Morocco. Early in the negotiations, this country manifested its concerns about security aspects and to the feasibility for them to fulfil the conditions put forward by the EU regarding third-country nationals. The official line has been that Morocco is not the 'EU's Gendarme' (Wolff 2014). After a pause of three years, the negotiations were re-instated in 2017 (Abderrahim 2019). However, there are no results yet. Still, Morocco has formal bilateral agreements with Germany and Switzerland.

Morocco seems to prefer the bilateral pathway. Consulted about this, Abdelaziz Tadjousti, Deputy Head of Mission at the Moroccan Embassy in Sweden, informed us that Morocco has adopted a bilateral strategy within return and readmission because "...conditions change. It is easier to negotiate bilaterally". Considering the instability of the environment, a two-party agreement is preferred by Morocco. It is more flexible, and it might better reflect political will, but also operational capacity. This can be understood within the theoretical concept of norm compliance. Considering the uncertainty of events in this case, linked to migration issues, Morocco chooses not only to negotiate stateto-state and not with the EU, but also to do this in a more informal way through a 'verbal' agreement. Circumstances might change, and then the costs of readmission for Morocco might not adequately compensate for the gains offered during the negotiation process. A formal agreement could make the possibility of non-compliance more difficult when conditions change, and the costs of compliance are higher for the country of origin. Even though states have developed their own ways of negotiating agreements, there is always the possibility of unpredictable events after agreements are signed, which are beyond the states' control (Koremenos 2005, 549).

A 'verbal agreement' can be classified as a non-standard approach. This type of agreement has, in principle, the advantages of lowering the cost of deviation from or reneging on the agreement – as these can be easily renegotiated when circumstances change – and reducing the public visibility of the issue of cooperation by putting the agreement within a broader framework of interaction (Cassarino 2010, 10). Both advantages could be present in this case, which could explain why Morocco agreed to negotiate with Sweden and, eventually, cooperate on readmission.

Why is Morocco's case particularly interesting for Swedish return policy? By 2010, the Police had registered an increasing number of unaccompanied minors arriving from Morocco. This group found themselves in an irregular situation, having no legal grounds to stay in the country<sup>40</sup>. Many of them did not contact the Swedish agencies and were living on the streets<sup>41</sup>. By 2014, their case was known to the SMA, the Police and Sweden's Social Services. Those living on the streets were visible to civil society organisations and the Swedish media often reported about them. Although the authorities were unable to arrive at an exact number, it was estimated that between 800–1,000 unaccompanied minors were living irregularly in Sweden.

Some of these unaccompanied minors were granted asylum, those whose applications were rejected received a return decision, and others remained in an irregular situation. The return of the minors who were not granted protection was especially difficult for the Swedish agencies. This case made the need for cooperation with Moroccan authorities evident. Most minors had not been previously registered by the SMA, and a large majority lacked documentation. Their readmission required a significant effort by Moroccan authorities, who needed not only to produce travel documents for them but before that assess

<sup>&</sup>lt;sup>40</sup> Hundreds of Moroccan street children hiding in Stockholm – Radio Sweden | Sveriges Radio

<sup>&</sup>lt;sup>41</sup> Fler och yngre marockanska barn tar sig till Sverige | SvD

their identity, including their age. There were many doubts regarding whether they really were minors<sup>42</sup>. Many of them claimed to have been living on the streets in Morocco from an early age and had had little or no contact with the Moroccan authorities. According to the responsible officials at the Ministry for Foreign Affairs at the time, the Moroccan representation in Stockholm was "difficult to work with"<sup>43</sup>. Moroccan authorities failed to cooperate – by for example, helping to establish the minors' identities and producing travel documents – according to the then Minister for Home Affairs Anders Ygeman.

The group in question also had special needs that had to be attended to and met by the Swedish Agencies. Those who had absconded or who had refused to contact the agencies found themselves in a vulnerable situation. By not identifying them and hence being unable to provide for their basic needs, the Swedish agencies were in breach of Sweden's international obligations under the Convention on the Rights of the Child. Minors are to be protected by Swedish law, even when they have no grounds to stay in the country. For the duration of the asylum process, they were entitled to a set of rights that their age and vulnerability determined. Furthermore, some of these minors were involved in criminal activities, which public opinion saw as a loss of control of migration management. The case of return of Moroccan children became a breaking point within return policy for the Swedish agencies. The situation made evident the dependence on country-of-origin authorities for return policy to be effective. At the time, there was no agreement between Sweden and Morocco, which became acutely necessary.

When the Swedish government agencies launched an intense political effort to get through to the Moroccan authorities, new strategies were used. The authorities in Morocco were then contacted by Swedish officials. According to multiple interviewees at Sweden's Ministry of Justice, Ministry for Foreign Affairs and the SMA, the Swedish Government realized that the difficulties involved in returning this specific group needed greater input from their side. Pressure from the media and civil society, as well as a desire to signal effective migration management, pushed Swedish authorities to enter the field of migration diplomacy. The negotiations with Morocco were expanded beyond merely migratory issues. An important incentive was needed to ensure cooperation – one that changed Swedish foreign policy regarding Western Sahara.

<sup>&</sup>lt;sup>42</sup> Swedish Police Identify Moroccan Migrants Posing as Minors (moroccoworldnews.com)

<sup>&</sup>lt;sup>43</sup> Interview with Representative at the Foreign Affairs Ministry.

A representative from the Ministry of Justice who was involved in the negotiations remembers that significant efforts were made during 2015 and 2016 in order to achieve cooperation on readmission. These negotiations took place in both Sweden and Morocco. Although it was hard to get in touch with the authorities and book a formal meeting, after several approaches, Morocco's authorities became more receptive. Finally, a meeting took place with the Embassy, and a visit by Ann Linde, then Minister for Foreign Affairs, was arranged. The media reported profusely about an agreement and the appointment of a joint committee involving Moroccan and Swedish representatives. This committee was tasked with handling practical issues such as identification, logistics, and social conditions related to the repatriation of children to Morocco, ensuring they were properly cared for upon their return<sup>44</sup>. But the Ministry of Justice's representative believes "this was rather exaggerated. We had shaken hands and agreed to continue working on these issues. Finally, a Moroccan ambassador came to Sweden who had a background in human rights issues, and she worked a lot on this". In the end and after various exchanges with the Swedish authorities, the Moroccan authorities saw the importance of being regarded as a welcoming country that makes sure unaccompanied minors return to a safe environment. After several meetings in Rabat, finally in 2017 a Delegation travelled to Sweden. According to the Swedish representative present at the negotiations:

We went through different aspects: the problem picture, the background and follow-up from the state secretary's meeting that had taken place earlier that year. We were also able to give some examples of successful identification and well-functioning cooperation - we got to present our image - what we thought worked well and [what worked] poorly. So they also had to present their side, what they could contribute and how they could make it work. We had an agreement to go ahead with after that meeting. Representative 2, Ministry of Justice

There is another important factor that could have contributed to improved cooperation with the Moroccan authorities. Prior to 2016, Sweden had declared its intention to recognize Western Sahara as independent from Morocco (Schöldtz and Wrange 2006). On 15 January 2016 the Swedish Government changed its stance regarding Western Sahara. Just a couple of days later,

<sup>44</sup> See for example: <u>Sverige vill erbjuda Marocko ekonomiskt stöd med gatubarn –</u> <u>Nyheter (Ekot) | Sveriges Radio</u>

<u>Nytt avtal med Marocko för utvisning av gatubarnen (omni.se)</u> Regeringen överens med Marocko om gatubarn (aftonbladet.se)

<sup>&</sup>lt;u>Marockanska gatubarn ska utvisas från Sverige – DN.se</u>

Morocco's parliamentary speaker, Rachi Talbi Alami, visited Stockholm, and agreed together with the then Minister of the Interior, Anders Ygeman, to cooperate for an easier repatriation of Moroccan citizens. Finally, it seemed that the political efforts and concessions were giving concrete results. Here we can see a very clear result of migration diplomacy: an element of international policy was used to incentivise compliance with return cooperation.

But the success might not only be due to the Swedish political efforts in achieving cooperation and the 'conditionality' offered by not recognizing Western Sahara. There might have been a window of opportunity when Germany reached out to the Moroccan authorities seeking more and better cooperation. A liaison return officer deployed at the time, who had the role of representing the EU and was employed by the SMA – but ended up acting mostly on behalf of the Swedish authorities – talks about this period between 2015 and 2017:

At the same time as this, Germany had achieved success in cooperation. Among other things Angela Merkel was on a state visit. They had worked out some kind of routine with German authorities that we just had to stick to – and we don't really know why. During that time, we had strong political pressure. Every time Moroccan and Swedish representatives met, this was a talking point. Even if, for example, they talked about energy policy. In the end, this overshadowed all other policy areas – but this is my personal hypothesis.

EURL01, former EURL0 in Morocco

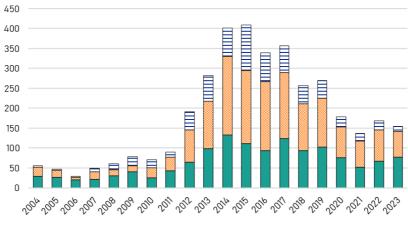
The resulting agreement, a verbal one, worked relatively well according to our interviewees for the first years after the readmission deal was reached. There was more fluid cooperation among the authorities and certain conditions for the reception of minors. The reception was coordinated with a local NGO, Bayti, an organization working with "street-children"<sup>45</sup>. However, after Moroccan citizens were returned and no longer visible on the streets of Stockholm, the initial cooperation became less fluid.

<sup>&</sup>lt;sup>45</sup> Many of the unaccompanied minors were considered as homeless by the Moroccan authorities and lacking family ties, some of them having spent time in orphanages and care homes.

It works well with Morocco, even if it doesn't work. It hasn't been so good after 2020. It worked well due to many other bilateral issues. Other political issues that had an impact. There was an agreement achieved at the political level. Ann Linde was there as State Secretary. Everything was very medial, which made the question end up at the top of the political agenda.

**Representative 1, Ministry of Justice** 

The above quote reflects what can be the logic of the three cases mentioned here. The agreement was effective in achieving the necessary cooperation for undertaking the return trips, in the first instance, as a result of effective negotiations. Nonetheless, such cooperation was not sustainable over time.



## Figure 9. Return decisions to Morocco by outcome (SMA)

■Voluntary ■Absconded Police ■Escorted Police

We discussed that the goal of return and readmission usually has to do not only with effectiveness in numerical terms, but also with the sustainability of returns and humane treatment of returnees. What happens to Moroccan returnees today? Although Morocco does not have an agency in charge of receiving returnees, the Moroccan First Secretary informed us that a programme is being developed to help returnees reintegrate. There are also reintegration centres – with the contribution of state agencies and NGOS – that help returnees learn new skills.

Source: 2024 Swedish Migration Agency data. Delmi's processing.

Morocco has not received much attention from the Swedish media in recent years. However, efforts to facilitate readmission are still being made by officials in the Ministry of Justice, the Ministry for Foreign Affairs and the SMA.

Conclusions: the very ad-hoc strategy for readmission agreements In the three cases discussed, we see the different forms that an agreement can take when managing Swedish return policy. Two MoUs and an EU Joint Way Forward with Afghanistan, a MoU without an EU agreement with Irag, and a verbal agreement with Morocco. All these agreements had an ad-hoc nature, taking into consideration the special characteristics of the states that were approached. All three involved other forms of policy, with the case of Morocco being the most significant one as it motivated a political U-turn. Initially, all three agreements gave results. But in the long run the readmission agreements were less successful. Readmission to Morocco became more complicated to manage, Irag stopped cooperating with return enforcement only to later take up cooperation induced by political dialogue with Sweden again but faced several obstacles to cooperation due to external factors. And when the Taliban took power in Afghanistan, the cooperation with local authorities ended, leaving the Embassy – representative of the previous government – in a very difficult position.

Migration diplomacy is well illustrated in these three cases. Bargaining strategies seek to establish more secure mechanisms for cooperation and smoother readmission. The use of migration flows, in this case returnees, was directly or indirectly linked to gains for all three countries of origin, perhaps more so for Morocco, since the diplomatic goal of the non-recognition of an independent Western Sahara had been achieved. Even though the strategies in relation to these countries were different, in all of them there was an aspect of migration diplomacy that shifted the political efforts of all parties between leverage and conditionality. Still, the initial success in cooperation was not sustained over time.

Looking at Sweden's experience with these three countries, which are all very relevant in the field of return policy, we can conclude that agreements tend to work only for a limited period of time. A window of opportunity opens, when the political will of the country of origin to discuss and readmit its citizens opens up. Such an opening is marked by a will to cooperate and accommodate on the part of the authorities from the country of origin. The expected leverage in terms of cooperation in the return process and a smooth readmission is usually evaluated in terms of its effectiveness, i.e. the number of persons returned, whether voluntary or forced. The negative criticism in terms of human rights usually comes from external voices, in particular from civil

society organisations. Critics usually problematize whether effective return is sustainable. And, furthermore, whether it is humane. The focus seemed to have been only on sending people back and not on forging deeper relations with the country of origin's authorities, nor on the situation of the returnees after readmission. Only in the case of Morocco did we see a particular preoccupation with what happens to returnees after readmission.

Because of these three cases, it is important to highlight other aspects. Despite being presented as a novelty, the whole-of-government approach was already present in the work that ended in a verbal agreement with Morocco, a decade earlier than the previous government strategy. In a sense, this strategy is being recycled by the frontline bureaucrats who are now working on return policy. However, the new Government has applied it in a more active way, considering different countries of origin.

Despite the criticism and the vulnerable situation to which people returned in the three countries, the returns continued. Both internal and external shocks contributed to reversing the initial 'success' in terms of return and readmission compliance. Such success, mostly seen in numerical terms, i.e. the number of people returned, did not necessarily translate into long-term fluid cooperation. However, these three cases teach us that return is a fragile area. When readmission takes place in unstable political regimes for vulnerable people, the results are not permanent and require a more systematic policy beyond the initial enthusiasm in reaching political agreements. It requires a constant and perhaps multilateral effort to pave the way for the operational needs of readmission and to help improve the conditions that make reintegration possible.

## Return policy as extraterritorial migration control

Studies of extraterritorial migration management have produced interesting portraits of migration control agents, i.e. liaison officers. These are mid-level officials who are deployed abroad to facilitate law enforcement and prevent irregular migration. They are deployed for operational purposes, but as our respondents below illustrate, they may also engage in migration diplomacy in their contacts with the local authorities. In this section, we present the liaison officer as an actor within return tools that has not been widely represented in previous studies or reports. However, they can be key to achieving better cooperation with authorities in countries of origin.

#### The RLO and ARLO projects

An important characteristic of the liaison officers working with return is the non-institutionalized form of their appointment. This means that return liaison officers (RL0), ambulatory return liaison officers (ARL0 ) and even European Union return liaison officers (EURLO)) are recruited, deployed, and evaluated in project form. There is no institutionalized or systematic role that these liaison officers play in Swedish return policy. Their function is contingent on the need to approach and get an answer from foreign authorities within a short period of time, as the following quote notes.

The problem is not only that a certain country does not take back its own citizens. It may also be the case that the response time [from the foreign authorities] takes such a long time that, although they cooperate, we might be waiting for a reply for a year. That is not okay. Then, because of the situation, we have to release people [who have received a return decision] from custody, and the case may eventually be statute-barred.

> Representative 2, Border Police Division, Swedish Police Authority

In order to ensure more cooperation with foreign countries in the area of returns, the Police explored new avenues by trying to find their own solution from an international perspective. In the context of the EU's ambition, which also promotes more effective and sustainable returns, <sup>46</sup> the Police received EU funding for the RLO project, which aimed to develop cooperation with the Afghan authorities in order to implement but also to increase the number of return enforcements over time.<sup>47</sup> This was mainly done by placing a return liaison officer in Kabul for two years. Until then, Sweden had never had a police officer as a return liaison officer stationed overseas. The relative success of the RLO project led to further projects to station return liaison officers in third countries. The aim was to streamline the enforcement of returns to specific country.<sup>48</sup> This has been implemented through two subsequent EU-funded projects, RLO I and II, which ended in 2022.

The implementation plan for the first two projects went via Frontex,<sup>49</sup> the European Border and Coast Guard Agency. Frontex was created to support EU Member States and Schengen countries in the management of the EU's

<sup>&</sup>lt;sup>46</sup> See for example: **European Commission**. (2021). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Pillar of Social Rights Action Plan.* COM(2021) 56 final. Available at: <u>https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021DC0056</u>

<sup>&</sup>lt;sup>47</sup> <u>Return Liaison Officer (RLO) – Migrationsverket</u>

<sup>&</sup>lt;sup>48</sup> <u>ARLO/RDO - Migrationsverket</u>

<sup>&</sup>lt;sup>49</sup> Interview with representative 3, Operative Director of *Ambulerande sambandsman*20 February 2023.

external borders and the fight against cross-border crime. As the EU's first uniformed law enforcement service, Frontex has transformed into an operational arm of the EU.<sup>50</sup>

In comparison to previous RLO projects, the ARLO project involves ambulatory return liaison officers/rapid deployment officers who stay for only a short period of time in the country of origin. ARLO II aims to improve cooperation with several countries by posting officers there for a period running from one to four weeks up to three months, but also through shorter visits and by inviting delegations from countries of origin to Sweden. In the event that this method proves successful, the systematic appointment of one or more permanent ambulatory return liaison officers will be assessed.

Even the Police has had stationed personnel in Kabul, Beirut and other countries. But now the plan is that they travel for two or four weeks or, at most, three months.

> Representative 1, Border Police Division, Swedish Police Authority

In the first ARLO project a total of 23 deployments in 17 countries were completed and enabled 93 implementations of return decisions.<sup>51</sup> The method involves deploying ambulatory return liaison officers, also called Rapid Deployment Officers (ARLO/RDO) in third countries with the aim of improving cooperation with the authorities in the country but also with European partners to enable more effective returns. The project ended in December 2022 and was evaluated positively by the Border Police according to Officer 3, who is the project manager for the ARLO II project. ARLO II will last for three years during the period 1 January 2023 to 31 December 2025 and is financed by the European Union Asylum, Migration and Integration Fond (AMIF). The project goal is to develop the method of using ambulatory return liaison officers that was previously tested, and to build on already established contacts in the countries visited during the ARLO project, but also to find new contact pathways and opportunities in completely new third countries where more extensive measures are required for enforcement to be implemented.

The ARLO II project also seeks to establish the Police's own relationship with foreign authorities that are relevant when enforcing returns. The project adds to its activities and seeks to invite delegations from relevant countries to Sweden but also its embassies located in Europe with the aim of deepening relations so that the number of identified and returned third-country nationals

<sup>&</sup>lt;sup>50</sup> Frontex: Who we are. Our Mission <u>Tasks & Mission (europa.eu)</u>

<sup>&</sup>lt;sup>51</sup> Projekt som beviljats stöd från AMIF - Migrationsverket

increases. At the end of the project, the goal is for there to be a permanent organization that enables and coordinates the deployment of ambulatory return liaison officers.

Within the ARLO II project, only three officers stayed permanently in specific countries. All the rest constituted a pool of resources, according to one of our sources, the coordinator for stationed liaison officers in the Swedish Border Police<sup>52</sup>. From this pool, ambulatory officers visit countries of origin for a short period of time where there are lessons to learn, capabilities to be deployed and, especially, cooperation to achieve. The goal of appointing these officers is not only to increase the chances of implementation but also to establish contact with the local authorities, explain the Swedish return process and inform them about the existing return cases, discuss problems, etc. Part of the project is to improve cooperation among these actors and learn from their strategies, but also conduct micro diplomacy in the field that seeks a closer relationship to local authorities. As Representative 1 describes it:

We have to visit new countries and old ones... We also establish personal contacts with the authorities in third countries. Besides, we take contact with European Colleagues and representatives of other Nordic countries who have a presence in countries where we [the Swedish Police Authority] do not. We need to establish contacts, routines, get accepted and thereby enabling people to travel back to their countries.

> Representative 1, Border Police Division, Swedish Police Authority

ARLO II had a specific goal, which was to contribute to the implementation of 50 return trips – successful returns – and in fact resulted in 93 successful returns thanks to the new methods employed by the project. Although the European Union requested a specific number of expected facilitated returns in order to fund the project, all our interviewees within the Police seem to perceive the main gain as having established contact with the authorities in the countries of origin. The shorter period that the liaison officers are expected to be deployed is indicative of an optimism about the established contacts with foreign authorities. But also of their trust in a method that involves learning the knowhow of the processes in different countries and in the capabilities of the personnel deployed.

<sup>&</sup>lt;sup>52</sup> Interview with Representative 2 from the Border Police Division.

When it comes to returns, one gatekeeper could be decisive in opening doors to the local authorities for better cooperation. Moreover, a liaison officer is able to witness whether the readmission conditions are being fulfilled, and whether individuals are readmitted in a humane way and get a chance to reintegrate into their country of origin. Migration patterns, willingness to return and willingness to readmit are all dynamic phenomena susceptible to internal and external shocks. Migration movements change, agreements are signed, others are not complied with, political friendships might be developed while others become difficult, etc. These migration and political considerations change the character, number, and origin of returnees. The tools employed by the Police need to be flexible enough as to reflect the changes in return patterns from Sweden. This might be a reason behind the planning of return liaison officers as a project and not as an established and systematic method for the Police.

Still, the apparent success of ARLOs reaching relevant authorities and opening doors shows that they might be functioning as diplomats in the field. More than exercising migration control, as academic studies depict them, in our studies they seem to be important figures representing the interests of the country and decoding domestic factors that might facilitate cooperation on return and readmission. Still, they are not part of a long-standing strategy. They are all the product of externally funded projects and have a temporary character.

#### EURLO: The European Union Liaison Officers

A European Union Liaison Officer (EURLO) is usually appointed from one specific Member State but they are deployed to represent the European Union return interests by verifying the identity of irregular migrants<sup>53</sup>, and supporting the organisation of Joint Return Operations under the coordination of the European Border and Coast Guard Agency (Frontex). Their role is also to facilitate the implementation of reintegration<sup>54</sup> and post-arrival assistance. EURLOs only attend to return cases, but in order to enter the field they need to know the relevant authorities and become gate-openers in the countries where they are deployed. EURLOs work, in theory, for all Member States. Their knowledge and contacts with local authorities should be at the disposal of all Member States.

EURLOS are sometimes stationed in one third country but serve the EU's interests in more than one state in the region. This can seem like a major task, but according to our preliminary findings, one person can make a difference by identifying the right officers and learning about readmission management in a

<sup>&</sup>lt;sup>53</sup> <u>return. third-country nationals</u>, capacity building in the field of return.

<sup>&</sup>lt;sup>54</sup> <u>Reintegration - European Commission (europa.eu)</u>

specific country of origin. The role a EURLO plays is appreciated in difficult contexts. For example, during fieldwork for a previous Delmi report, the authors of this study heard about the difficulties of implementing returns to Uzbekistan, cases that had increased significantly in the last ten years. However, a couple of years later, return enforcement to Uzbekistan and reaching Uzbek authorities seem to not be a problem anymore. In our interviews, we tried to understand whether there was a new strategy, or whether the number of return cases had diminished due to other reasons. After interviews with personnel at the Department of National Operations (NOA), the presence of a European Liaison Officer deployed in Central Asia was mentioned to us as useful in the communication and cooperation with the Uzbek authorities in charge of readmission. Although she was appointed by an EU Member State's Border Guard Authority, she is supposed to contribute to the facilitation of returns from the whole Europe. The EURLO's mandate, since her appointment on 1 November 2020, covers three countries. Apart from the Republic of Uzbekistan, she is responsible for the Republic of Tajikistan and the Kyrgyz Republic.

Return policy through extended arms? The experiences of ARLOs and EURLOs

The role of return liaison officer requires training but also knowledge – such as the language – of the place where the person is deployed. Sometimes this knowledge is exactly what the liaison officer is supposed to acquire, and it becomes a major task if the country of deployment is not acquainted with the figure of a 'multilateral' liaison officer.

Return liaison officers are not in charge of executing an expulsion order, but they might, sometimes, be present at the reception of individuals returning to the country of origin. According to RLO1, previously stationed as an RLO in Afghanistan, personal relationships are very important when dealing with countries with different cultural and political traditions. The facilitation of return implementation is a complex and multi-faceted task, not only due to political difficulties in dealing with countries of origin, such as complying with existing agreements or their willingness to readmit their citizens, but also because of operational challenges, like processing administrative requests for identification and providing travel documents. For the police officers in charge, implementing a return by force<sup>55</sup> – termed an escorted return – involves accompanying an individual who does not want to return and faces an uncertain

<sup>&</sup>lt;sup>55</sup> Although the Police receive cases from the Swedish Migration Agency and the Migration Court, as well as their own return cases, the individual might still opt to return voluntarily. A police-enforced return is, therefore, not necessarily a synonym for the use of coercion after an expulsion order.

future. This is something that RL01 had already experienced in his professional career when taking part in escorted trips to Afghanistan. According to him, he established close contact with many returnees, some of whom stayed in touch even after their return. His previous experience might have prepared him to deal with the Afghan authorities despite not speaking any of the national languages (Pashto, Farsi or Dari).

It might sound strange but for a while I received more Christmas cards and greetings from those people whom I executed their return than from my own family and friends... I thought that the implementation of return could be done in a fairly good and humane way. You could often do it so that it was on their own terms within certain frameworks, instead of me going in and taking everything in my own hands.

RL01, former RL0 in Kabul

RL01 refers to the implementation of returns not solely in numerical terms, but also considering the humane aspect of the process and the dignity of individuals. This understanding of returns contributes to a more comprehensive fulfilment of the RLO's task. As highlighted in previous research, the Police may be better equipped psychologically to cope with difficult cases compared to social workers and officers at the SMA, due to their training as police officers (Borrelli 2018, Hansson 2017). The experiences of RLO1, a former police officer who used to implement return decisions from Sweden, shows the importance of this previous experience. The fact that he was able to grasp the complexities of return and yet establish, in his opinion, personal contact with the individuals whose return trips he had to enforce might have been decisive for his success when deployed in Kabul. He highlights that return is not just the enforcement of an administrative decision; there are conditions relating to the humanity of the process and dignity of the individual that should be taken into consideration. The figure of the RLO needs to combine a knowledge of the relevant Swedish law, know-how in the implementation and the humanity of these processes, but also needs to perform tasks of what we could call micro migration diplomacy, i.e. representing the interests of a country in a specific field and in relations with specific authorities.

The RLO needs to manage the know-how of readmission to Kabul, know the pertinent authorities and establish contact with them. The RLO is not a figure who enforces but who acts as facilitator, closer to a migration diplomacy role (by forging relationships as a representative of Sweden on foreign soil) than an extraterritorial migration control role. RLO1 stayed for almost two years in Kabul. He described his experiences as successful.

EURL01, a Swedish citizen with experience within the field of migration and return, was the first EU liaison officer to be sent out in what was then a pilot project. After the responsible EU officers had listed a group of countries seen as priorities for seeking cooperation with in the area of return, Sweden submitted a proposal and EURL01 was sent to Morocco. According to his experience, he carried out an important task for Sweden, although the EU representation part didn't work properly:

The idea of the project was to send a person from a Member-State country... In this case I sat at the Swedish Embassy. The idea was to establish contacts and that they [other Member States] could benefit from it... It didn't work as expected. [I was asked] What about Slovenian cases [of return]? You are at the Swedish Embassy, aren't you?"

EURL01, former EURL0 in Morocco

The issue of representativeness became relevant in this case. Some countries might perceive a person as being linked to a country rather than an institution. If the task of the liaison officer is complex, representing the EU could make it even more complex. Although the EU has signed several readmission agreements, it is the Member States' authorities that have to carry out returns. The perceived 'extended arms' of extraterritorial migration control – in this case the EU's – may then be perceived by countries of origin as vague and difficult to respond to. If individuals are returning from a particular host country, why should an EU representative try to facilitate the readmission of these returnees? In this sense, EURL01 represented Swedish interests and was perceived not as an agent of extraterritorial migration management, but as a Swedish agent of migration diplomacy. A Swedish official, legitimised in his in-situ role by Swedish interests, is in this case welcomed as a diplomat, and not as a facilitator of the EU's extraterritorial migration management.

In the case of EURL01, the goals of facilitating returns for all EU Member States was impossible to achieve. Different EU Member States have different caseloads and different relationships with the countries of origin. As we saw in a previous chapter where we presented the insights from the Moroccan Embassy in Sweden, Morocco looks at these types of cooperation from a bilateral perspective. In this view, a person is connected, and works for, one country, not several ones. However, EURL01 was able to establish fruitful relationships with the Moroccan authorities as a Swedish official. After several difficulties in implementing return decisions from Sweden to Morocco, EURL01 was able to pave the way for a 'verbal' return agreement that significantly changed the reception of returnees on the part of the Moroccan authorities<sup>56</sup>. Morocco complied with the obligation to readmit its citizens, and certain measures for the reception of vulnerable individuals were taken in Morocco, most especially in the case of unaccompanied minors.

Although difficult to generalize from the few cases, it seems that some countries are more open to receiving liaison officers representing a supranational entity. EURL02, a Swedish citizen, had a brief but intensive period, as a EURL0 in Iraq. He was able to establish contact with the local authorities as a representative of the EU. He relied on (and was under the mandate of) Frontex for operational matters. In Baghdad, he interacted regularly with the EU Delegation and the Swedish Embassy.

The function [as a EURLO] is dual. First, as an interlocutor between local authorities and the EU which is in the strategically higher level... And another one is [the] operative one, for example by being present when returnees land and receive them. And to see that reception works properly.

EURL02, Former representative of the EU in Iraq

Considering the status of Iraq as one of the largest countries of origin for returnees from EU Member States, EURL02 had a role mostly as a knowledge-broker, as previous research has shown:

Knowledge acquisition is desirable [by the EU]. I set the basis for EURLOs work... I try to understand why Iraq is so unwilling to accept returns that are catalogued as involuntary. From an Iraqi perspective [I understand] it is difficult because of the situation, recovering from a war with a large number of internally displaced refugees.

EURL02, Former representative of the EU in Iraq

EURL02 highlighted the importance of gathering knowledge about the domestic situation of a country. His function contributed to gaining more understanding of the difficulties of a severely conflict-ridden country, where readmission is not a priority in the same way that return is for the EU Member States. The former EURL0 in Iraq described the importance of forging personal relationships, but also of the work done on-the-ground and face-to-face. Despite all the digital possibilities, within the migration diplomacy field, face-to-face contact is more successful, and it opens more doors.

<sup>&</sup>lt;sup>56</sup> Several sources at the Ministry of Justice mentioned how the EURLO had facilitated the process by identifying the relevant authorities and establishing contact with them.

The EURLO2 in Baghdad repeatedly mentioned that physical presence is important. Due to the distance from the Middle East and the logistical constraints, it might take several months to reach the responsible person from a specific agency in order to gather documents that allow for the enforcement of returns. A simple document might take a long time to obtain from afar, whereas when in the country, the responsible person might be identified promptly, and hence, the face-to-face contact makes a difference. This is an operational role that uses migration diplomacy techniques for extraterritorial return management. Physical presence seems to be important, but also knowing who to turn to and how to approach the relevant authorities.

Unfortunately, EURL02 was forced to cease his functions in Baghdad. Due to violent protests outside of the Swedish Embassy following generalized discontent with authorized public demonstrations in Sweden. As described in section 5.1.1, Koran burnings were part of these demonstrations, which generated outrage in countries embracing the Islamic faith, especially Iraq. The personal safety of EURL02 was endangered. His experience tells of the importance of the work in the field, the importance of personal contacts and, moreover, the weight of his nationality in the way he was perceived. After all, EURL05 might represent and support all Member States, but they are shaped by their national belonging. Moreover, they are perceived as representatives of a specific country and are approached as such. His task within extraterritorial migration management overlaps with the perception of him (and practicalities, such as living in the Embassy) as a migration diplomat.

But what about a non-Swedish EURLO? We contacted a European Return Liaison Officer deployed to Central Asia 1 November 2020. The EURLO's mandate covers three countries: the Republic of Uzbekistan, the Republic of Tajikistan and the Kyrgyz Republic. We heard from different interviewees that this very officer might have contributed to a smoother readmission process of Uzbek citizens<sup>57</sup>. In a previous study (Malm Lindberg 2020), the Police often mentioned that Uzbeks were overrepresented among their return cases. Unlike most of the cases here discussed, Uzbeks were not mainly asylum seekers. They arrive in Sweden as labour migrants via regular and irregular pathways. Therefore, Uzbekistan became an important case for this study. The liaison officer in Central Asia shared some insights on her activities, detailing the authorities she meets while in the field:

<sup>&</sup>lt;sup>57</sup> Although return enforcement and the readmission process have become easier in recent years, the number of Uzbek citizens continues to be high among recipients of return decisions. According to the SMA's statistics, in 2023 Uzbekistan was the fourth more prevalent nationality among recipients of return decisions.

In November and December 2020, a lot of meetings took place, mainly with the representatives of the Ministry of Internal Affairs, the Ministry of External Affairs and Border Troops of the State Security Service of the Republic of Uzbekistan. From both ministries and border troops there was one person appointed, responsible for the direct contact with EURLO. In parallel, EURLO met with representatives of the Tajik and Kyrgyz authorities during field visits to these countries. I would like to highlight that the cooperation with all three countries is good. EURLO3, EU Representative in Central Asia

From EURLO3's experience, it is possible to see that these countries have adapted to the role of the EURLO and their authorities have established a protocol to coordinate with them. In the specific case of Uzbekistan, a protocol was signed regarding Identification Procedures.

The role of EURL03 also involves connecting with the host countries. EURL0s sometimes visit EU Member States to learn more about return processes and the efforts made to ensure cooperation with foreign authorities and have contact with the diplomatic missions in the Member States. The EURL0 in Central Asia visited the recently established Embassy of Uzbekistan in Sweden and learned more about their efforts in the area of return cooperation. During our interviews, both the Uzbek representative and the Police highlighted the role of EURL03, which has contributed to opening channels for a smoother return process.

Personal characteristics are also important in the case of the EURLOs interviewed. In this case, representing the Member States seems to be more feasible than in the other cases previously discussed. This EURLO, a border guard officer representing the Polish Border Guard and at the same time a European Return Liaison Officer deployed to Central Asia, has been able to represent a multilateral employer within a multilateral field. Her characteristics were highlighted by employees at the SMA and the Police. Besides knowing the context in which she was deployed, she mentions other important elements that allow her to carry out her role within migration diplomacy: Knowledge of the language of the country in which its citizens communicate is very helpful in carrying out of duties. Not only does it help in direct communication with representatives of the relevant institutions with which EURLO cooperates, but it also helps break the ice when making new contacts and thus gain the trust of the other side. I graduated in Russian philology, so communicating in Russian (spoken and written) is not a problem for me.

#### EURL03, EU Representative in Central Asia

In order to improve cooperation, a necessary condition is to gain the trust of the authorities in the country of origin. EURLOs are not only knowledge brokers. They also take on a role as gate-openers by identifying the relevant authorities that need to be contacted for readmission purposes. The EURLO deployed in Tashkent highlights the importance of trust among different actors to ensure better readmission and reintegration. A strategy to build such trust is to deploy personnel who can act in situ, making use of migration diplomacy from a micro perspective. This leads to an understanding that is difficult to get from a high political level. It tells of the importance of getting to know the other party, the readmitting party – its challenges, and the opportunities for cooperation.

EURLOS might have a gigantic task by representing several EU Member States in sometimes more than one country. Working face-to-face with national authorities offers a better understanding for both sides, the country of origin of those citizens, and the country returning these citizens. Understanding the local norms and functioning of the relevant authorities could be a good foundation for a more sustainable enforcement of returns. Moreover, the personal contact could also reflect the conditions to which people are returned as well as the possibilities offered to them to successfully reintegrate. EURLOs and ARLOs could potentially observe firsthand the conditions that individuals experience after a return to their country of origin. When asked about the efforts needed for better cooperation in return and readmission, EURLO3 answered the following:

The most important thing in cooperation between EU Member States and third countries is trust. Then, understanding and establishing common objectives to be achieved. Finally, establishing a legal basis regarding bilateral agreements between Member States and third countries, as well as EU agreements with third countries. EURL03, EU Representative in Central Asia Interestingly, the EURLO deployed in central Asia mentions that measures at a more focused level, like gaining the trust of the authorities, takes precedence over the importance of legal measures to improve cooperation within return and readmission. Although all measures are important, a closer political relationship will set the scene for better cooperation. EURLOs can manage their work from an operational level, but a larger political effort is necessary for their work to be fruitful.

Extraterritorial return migration control: a positive evaluation? The liaison officers - originally 'tools' of extraterritorial migration management who participated in our study developed different approaches not only from their operational side, but also within migration diplomacy. Their role is less formal and mostly developed as a migration agent in the field. The personal characteristics of these individuals show the importance of the personal. Once again, personal contact is decisive in achieving better cooperation. This improved cooperation might not always translate into a higher number of implemented returns. It is cooperation that is based on a broader conception of effectiveness. In this case, effective cooperation can lead not necessarily to an increased number of implemented returns, but to a better understanding and better knowledge of the process of readmission in countries that do not have the complex, resourceful and developed migration policy of EU Member States, or in this case Sweden. That knowledge and understanding might result in better and more sustainable strategies that resist pressure to set effectiveness goals in terms of large numbers of returns. It can create expanded and more durable relationships between agencies in Sweden and the country of origin.

The liaison officers evaluate their experiences differently. Their narratives are imbued with the social and political environment that they needed to face during the time they were deployed. This tells of the complexity of the area of extraterritorial migration management, where migration diplomacy is necessary on a micro level to achieve a better coordination.

Meanwhile, the EURLO deployed in Central Asia has a more successful story to tell. In her role as a liaison officer, her personal characteristics, mastery of the language and having previously worked with irregular migrants from the same countries that she is responsible for, seem to give her more legitimacy. She was appointed by Frontex and seemed more engaged in her role as a representative of the European Union than the other EURLOs (1 and 2) deployed in the MENA region. Again, a migration diplomacy strategy turns out to be more successful when it is developed in the nearest 'neighbourhood'. This contributes to the puzzle by confirming that strategies cannot always be applied uniformly. Successes cannot always be extrapolated to all contexts, and there is no one-size-fits-all within return policy. Strategies need to adapt to the context while taking effectiveness in the long run into account.

It is difficult to generalize regarding the success of one or another instrument when evaluating its effectiveness, again seen as a long-standing strategy and not merely a number of implementations. It is, however, clear that liaison officers are not considered a long-term function, at least for Sweden. For the Police. they are still in a project phase, and not yet a systematic strategy. Frontex has yet to elaborate a more long-standing policy regarding return liaison officers deployed outside the Schengen borders.

# Other strategies to foster cooperation: delegation visits

As previously discussed, gaining the trust of the authorities in the countries of origin is crucial for improving cooperation on return and readmission. The deployment of EURLOs serves as an important instrument in building such trust, as they can act in situ, using migration diplomacy from a micro perspective. Another approach to building trust through migration diplomacy is delegation visits, when representatives from the countries of origin are invited to visit host countries.

Delegation visits serve as an instrumental approach to fostering cooperation and understanding between the Swedish government agencies and their foreign counterparts. These visits, typically initiated by international organizations such as IOM, UNHCR, and ICMPD and organized by the SMA's International Division, aim to increase knowledge about Swedish migration regulations (for example regarding return), establish deeper relationships with Swedish officials, and empower local authorities through the exchange of information on legal and technical matters.

These visits are hosted by the SMA frequently (12–20 per year) but are nonsystematic, with no set number of visits or specific schedule. These activities have an ad hoc character, tailored to the needs of the host country and its national agencies. For instance, Türkiye has been a frequent visitor to the SMA over the past decade through various collaborative projects. These visits are not limited to countries of origin. Other countries that want to learn from Swedish methods, such as detention practices, can also participate. For example, countries receiving large numbers of migrants, like the USA, have shown interest. Different areas of the SMA have the possibility to show their work... We try to work based on priorities – some countries you cannot say no to and some that we cannot prioritize. The request might come with regards to countries to whom we have a close relation to such as USA or Canada. They wanted to learn more about how they deal with border challenges at their southern border, were interested in our track division processes. We also don't say no to countries that are prioritized from a return perspective: Iraq, Somalia, Lebanon, Uzbekistan, and Ethiopia (nothing official but these are the countries that are being talked about).

Unit Expert, SMA

Hence, relevant countries when it comes to return are often prioritized when organizing study visits. The interest in inviting their authorities – even if the invitation doesn't come initially from the SMA – is to learn more about Swedish regulations. The goal is to provide these authorities with better knowledge and know-how within the area of return and readmission.

The delegation visits provide information and build capacity but also bring the relevant authorities from two countries closer together. Although return is not always on the agenda, the topic has generated more and more interest. Moreover, countries of origin at the top of the list of return decisions might show an interest to know more about the Swedish return process. This is the case with Somalia and Iraq. However, the initiating party came directly from the Somali and Iraqi authorities and not their embassies, as an officer at the SMA explained:

We have understood that the diplomatic representations in Sweden see a need to know more about the asylum process and also the return. Somalia is a concrete example of a country that has been particularly interested in knowing more about return. They actually wanted to visit the Police, but to get the whole picture, they also wanted to visit us. The embassy was probably not involved, but this – if I understood correctly – came from their Ministry of the Interior. From our side, we think it turned out well. We were clear that returning to Somalia is a priority issue. We alluded to the Somali context, so we probably pretty much agreed on the process.

Unit Expert, SMA

The delegation visits have the advantage of being country-specific. Therefore, officials at the SMA can explain the return process considering the particularities of, in this case, return to Somalia. The country is among the top

five nationalities receiving a return decision. It is also practically impossible to enforce return decisions from Sweden to Somalia. Only voluntary returns to Somalia are coordinated.

Another interesting case is Iraq, whose delegation visit during autumn 2023 had a focus on return. Interestingly, this visit occurred more or less at the same time that Sweden was investing significant time and political resources into reaching Iraqi authorities, seeking cooperation on return issues. During that very visit, not only the Office of International Affairs was involved but also the unit working with Returns. Representatives from the Iraqi Ministry of Foreign Affairs and the Ministry of the Interior visited the SMA. Experts at the SMA interviewed during our fieldwork were positively surprised that the Iraqi delegation wanted to visit Sweden. They accepted their request for a visit and organized one accordingly<sup>58</sup>. During our interviews with diplomats, we found out about the importance of these visits. For example, a representative from the Caucasus region evaluated the delegation visit from his country positively. He was able to attend as well.

A delegation from our country visited the Migration Agency so they learn more from our systems. And you know, when they go back, they do their homework!

Representative, Caucasus region Embassy

In general, countries of origin show an interest in the Swedish return process. Learning about Swedish migration management can also be a model for countries of origin who themselves have to deal with the return of irregular migrants from within their borders. This opens doors for cooperation, but also for a better understanding between the Swedish government agencies and the authorities in the countries of origin, as the following quote states:

We are very clear in presenting the authority's mission – we are transparent and tell them how the authority works, which laws form the basis of the work and which support is available. It seems useful and welcome to receive this information. And I think it has become a greater interest. Many countries where we sent people back, are currently building their migration management systems. Therefore, they are facing the same or at least similar challenges, and this creates a greater consensus. On the global level, we see a trend where countries that had never had an interest in migration management before suddenly do. It can be anything from small Djibouti to large countries that now see both

<sup>&</sup>lt;sup>58</sup> Interview with the Unit Expert at the Swedish Migration Agency.

pros and cons of migration. A lot has happened which means that you no longer work against the wind like you did a lot before. In the past, there has been a certain scepticism about what we do at the Office of International Affairs, and we now see that it has turned around, that we are seen to fulfil an important function. Unit Expert, SMA

Despite the positive experiences reported by our sources at the Unit for return coordination at the SMA, not all visits have been successful. Before the pandemic, two delegation visits from Ethiopia, organized with the support of Frontex, did not produce the expected result: production of laissez-passer for Ethiopian citizens who had received a return decision. A third recent visit, in March 2024, has not yet produced any results in terms of cooperation<sup>59</sup>.

The work associated with these visits has also highlighted the importance of the Office of International Affairs of the SMA. In a sense, migration diplomacy as originally conceived in previous research does not necessarily mean to share resources in areas other than migration. Information and capacitybuilding is delivered to countries that need these for their national migration management while also delivering a better understanding of Swedish return policies and processes.

## Summary

From the different tools analysed in this chapter and the thorough description of the embassy coordination departments in the previous chapter, much can be noted regarding efforts to achieve cooperation with countries of origin. Although some tools are applied consistently in order to achieve better cooperation, others are more ad hoc. This might be interpreted as a one-time activity by other countries.

The analysis of the different forms that **readmission agreements** might take shows that although many efforts are put into migration diplomacy in relation to countries with a significant number of citizens receiving a return decision, these are not sustained over time. In the case of Morocco, for example, there was a thorough strategy, a proper whole-of-government strategy, where different elements of foreign relations were used to ensure cooperation. This resulted in a verbal agreement. However, in subsequent years, there hasn't been compliance with the agreement.

Iraq is an interesting case: all the tools available have been deployed in order to ensure compliance with the Memorandum of Understanding. This has

<sup>&</sup>lt;sup>59</sup> Head of the unit for return coordination, SMA Department of National Operations.

resulted in some openings and a political will to know more about Swedish regulations, which can be seen, for example, in Iraq's interest in coming to Sweden for more information. Still, the returns to Iraq have been criticized by human rights organizations among others, due to their forceful nature. How can these issues be addressed? This is where the concept of effectiveness in numerical terms need to be questioned.

In the case of Afghanistan, the vulnerability of return policy is even more evident. Unstable regions require special strategies and, moreover, an evaluation of whether it is feasible to expect a humane readmission and sustainable return. It would be quite unoriginal to cite the already difficult situation of Afghan returnees, which was evident in our previous Delmi report (Vera Larrucea, Malm Lindberg and Asplund 2021).

Later, we looked at another tool which had a different character to readmission agreements. **Liaison return officers** are classified under extraterritorial migration control. The role of return officers posted abroad highlights the importance of direct contact with foreign authorities. From this perspective, extraterritorial return migration control seems to be fruitful. Despite the important role that embassies can play in representing their country's interests and providing the necessary documents to individuals with a return decision, important aspects of readmission take place in the country of origin. The experiences of the officials interviewed show that each context is different. They also show the importance of personal contacts and the preference for bilateralism. Foreign authorities usually welcome one person representing one country, but multiple representation, as in the case of EURLOs, can be difficult to translate into effective cooperation.

When we analysed the different tools, we found that the Swedish government agencies did not always focus on effectiveness from a numerical point of view, i.e. the return rate. The striving to acquire knowledge among countries of origin suggests other ambitions than simply enforcing returns. A more sustainable cooperation needs to be based on knowledge and trust, which can partly be achieved through delegation visits and identification missions. The lessons learnt from these two instruments, which seek to promote further cooperation, could be expanded to other areas of migration, not just returns, and be seen as part of a strategy rather than ad hoc activities.

In the long run, these strategies could have a positive effect if we consider our own definition of effectiveness. Sharing information, and camaraderie, could influence understanding and the willingness of foreign authorities to cooperate. This points to the importance of a case-by-case approach, taking into account the likelihood of success when investing resources.

# 6. The Operational Management of Returns and Readmissions: Embassy Perspectives and Tools

As outlined in the introductory chapter of this report, diplomatic missions, including embassies and consulates, can play a crucial role in return and readmission processes. Depending on their level of cooperation and commitment, they can either facilitate or obstruct these processes. In this chapter, we present findings on how diplomatic missions perceive their role and function in the operational aspects of the return and readmission processes. We also explore how these roles and functions interface with the Swedish government agencies, detailing the tools employed by both third-country and Swedish agencies to facilitate the implementation of return decisions. Notably, we examine the use of readmission agreements, electronic systems, and identification missions, and how these tools impact the role and function of diplomatic missions.

# 6.1 How diplomatic missions perceive their role and function in return and readmission processes

# Verification of country of origin and issuing of travel documents

At the core of their function in return and readmission processes, the diplomatic missions cooperate with the Police and the SMA to verify the nationality of individuals who have received a return decision and to issue the necessary travel documents. This task, which generally falls under the responsibility of the consular section of the embassy, is critical as it directly impacts the feasibility of enforcing refusal of entry or expulsion orders issued by the Swedish agencies. Among the countries interviewed, some have populations with ethnolinguistic ties that extend beyond their borders. Representatives from these countries explained that identification constitutes a significant part of their work, as Swedish agencies often request the identification of individuals assumed to originate from their country of origin based on, at times, loose assumptions based on appearance or language.

The experiences of these countries illustrate that, despite the often thorough preliminary efforts by officials at the SMA or the Police to establish the correct country of origin, the Swedish agencies remain significantly reliant on diplomatic missions to verify nationality and identity. This process usually involves embassy personnel conducting interviews with the individual who has received the return decision, either in person or via phone. A representative from Kosovo's embassy explained that they sometimes receive requests from the Police to establish the identity of individuals with dual citizenship, but that these cases usually can be resolved with a simple phone call. The interviews, whether conduced in person or via phone, are brokered by the Units for return coordination within the Police or the SMA, depending on which government agency has assumed responsibility for implementing the return in question.

However, our interviews revealed that the extent to which the consular sections within the embassies are involved in identity verification depends on the national practices of both the host country and the country of origin. This is because different countries require different levels of certainty as to what is considered a sufficiently established identity (EMN 2017). For instance, when returning individuals to countries with formal readmission agreements, establishing the identity of the individual may not be necessary as long as the authorities in the host country can demonstrate that the person originated from the state to which the readmission request is addressed (Aktoprak, et al. 2010). Vietnam, for example, accepts returns as long as there is "evidence or validly assumed evidence" of Vietnamese citizenship according to the bilateral readmission agreement with Sweden from 2008 (Ministry of Foreign Affairs 2008). According to a representative from the SMA, this facilitates the process of returning individuals to Vietnam:

Vietnam is actually quite easy because they don't really need to verify identity, they just need to be able to identify citizenship and they can do that through language. So who it is doesn't really matter, it's enough to know that the person is Vietnamese. At least that was the situation when we had id-missions from Vietnam 10 years ago.

Process Specialist, Return, SMA

According to Kuryliuk et. al (2023, 9), this "non-obligation to establish the identity of an irregular migrant" can be considered one of the key features of formal readmission procedures, alongside "the need to establish the state from which the irregular migrant arrived and document it" and "the possibility of returning an irregular migrant not only to the state of citizenship but also to the state from which they came". However, this non-obligation to establish identity typically does not apply when readmitting individuals to countries

where formal readmission agreements are not in place. Our interviews also revealed approaches that involve requirements to confirm the individual's identity and citizenship, and to ensure that the person returns voluntarily.

For a return to be implemented, these types of approaches place high demands on cooperation from the embassy in Stockholm, the authorities in the country of origin, and the person who has received the return decision, especially if required documentation such as birth certificates, National Identity Cards etc. are missing. For countries without functioning civil registration systems, like Somalia and Afghanistan, this process becomes almost impossible, especially without the full cooperation of the individual who has received the return decision. A representative from the Unit for return coordination within the SMA describes the process of return and readmission of unaccompanied minors as follows:

If these individuals invent a name or don't know where their family is, we cannot send a request to the embassy of Afghanistan and say "we have a child named so-and-so, can you help us find the child's parents". That's not an option; they don't have those records.

Representative 1, Unit for return coordination, SMA

It is important to acknowledge that, while individuals retain considerable responsibility for their return preparations, the authorities are able to intervene and facilitate the execution of the return decision if the individual encounters difficulties or does not fully cooperate with their decision. However, a prerequisite for embassies of certain countries to engage in these procedures is that the individual must accept the decision issued by the SMA and actively cooperate with the return process.

A representative from the embassy of Cuba – a country that generally only accepts voluntary returns – emphasizes that this is not necessarily due to a reluctance to cooperate with the Swedish agencies regarding return and readmission, but rather that it has to do with the lack of an appropriate legal instrument between both countries that regulates such issues. Iran and the Gambia, though not interviewed in this study, are also examples of countries that invoke national legislation for not cooperating on the verification of identity and the issuing of travel documents for forced returnees (Paasche 2022).

#### Safeguarding the rights and interests of their citizens

Other than assisting in the identification of citizens and issuing travel documents, several of our respondents expressed their commitment to safeguarding the interests and rights of their citizens abroad, particularly in the context of return and readmission processes. As evidenced in our interviews, the diplomatic missions take this task very seriously, ensuring that the rights of their nationals are protected while respecting the legal framework of the host country, i.e. Sweden, and without directly interfering in the process.

An embassy representative from a country in Southeast Europe explains that "[w]e can guide them to the right institution. And if they have complaints about their treatment by Swedish authorities, we have to support them". As illustrated by this quote, diplomatic missions may be able to ensure that their nationals are aware of and can navigate through the legal and bureaucratic processes effectively by directing them to the appropriate institutions and supporting them in the case of complaints about their treatment by the Swedish agencies. Although numerous embassy representatives express trust in the Swedish judicial system, acknowledging its typically high standards and respect for human rights, they nonetheless view it as their responsibility to oversee the treatment of their nationals, particularly those who may be vulnerable or in detention. One representative from the Serbian embassy, for example, explains that there have been instances where she has had to contact the Swedish agencies to facilitate access to medical aid or to ensure other rights are respected. She stresses, however, that these interactions are always based on the explicit wish of the individual to involve the embassy.

A majority of our respondents mentioned the provision of legal assistance and the issuing of temporary passports as other direct forms of support that embassies can offer citizens facing return and readmission. By connecting their nationals with legal resources, including lawyers who speak their native language, and facilitating their return through the issuance of travel documents, diplomatic missions can play a role in streamlining the process for the individual returnee, making sure that they have accurate information and feel supported. When asked if the Embassy provides support for individuals placed in detention, a representative from the Embassy of Türkiye stated that: "we visit them and call them if they want us to support them. We can provide legal assistance if they want. And, at the end of the line, we provide temporary passports". Another representative from the Embassy further explained that the Embassy can support their citizens by putting them in contact with Turkish-speaking lawyers. However, he emphasized that the role of the Embassy is restricted as they cannot interfere with the judicial system in Sweden. This point is reiterated by the representative from Southeast Europe who underscores that they "don't intervene" but that they sometimes have to request information about individual cases from the Swedish agencies in order to support their citizens.

These 'constraints on the possibility to intervene are very much inherent in the role of the diplomat as respect for the sovereignty and legal system of the host country is key to facilitating and fostering good diplomatic relations. Not directly interfering with local laws, norms and practices is, as such, a matter of good diplomatic practice. Or, as a representative of an embassy of the Caucasus region puts it, "deciding on these issues and making sure that human rights are upheld is the prerogative of the host country". However, it also means that the diplomatic missions have limited leverage when it comes to assisting their citizens in practical ways. This was brought up by the Ethiopian Ambassador, Mehreteab Mulugeta, for example who explained during the interview that:

"When it comes to protecting the best interests of our citizens, we don't have much leverage. [...] We are involved when Ethiopian citizens ask for our assistance – then we can request an appointment and a representative from the consular section will visit them".

Ambassador Mehreteab Mulugeta, Ethiopian Embassy

Although diplomatic missions have limited to no influence over the legal process, their testimonies underscore their dedication to monitoring the treatment of their citizens and actively engaging with the local authorities to safeguard their citizens' interests. As outlined above, they achieve this by investigating complaints upon receipt and by striving to maintain open lines of communication with both their citizens and the host country's institutions.

Moreover, a majority of our interviews with the diplomatic missions revealed that they also strive to ensure that the return process is conducted in a humane and legally certain manner. This involves exploring pathways for return, informing individuals about their prospects upon returning, and ensuring that all steps in the migration process have been properly followed. As a representative from the Moroccan Embassy puts it: "The role of the embassy is to explore pathways so that the return can be made in a humane and legally certain manner". He explains that an important part of this process is to verify that the individual who has received the expulsion order or refusal of entry really has gone through all the steps of the migration process in Sweden, that the decision is objectively justified and well-founded, and that the individual has been informed of their right to appeal: We want to support our citizens to make sure that they do not go back to Morocco and find out that more could have been done to stay. We want our fellow citizens to benefit from all their rights and for their repatriations to be carried out in accordance with international and national laws and bilateral conventions. Abdelaziz Tadjousti, Deputy Head of Mission, Moroccan Embassy

As outlined above, a majority of the diplomatic missions interviewed in this study expressed a clear commitment to safeguard the interests of their citizens who have received a refusal of entry or expulsion decision from the Swedish agencies. They aim to fulfil this role through various means such as guidance, support, monitoring, intervention, and direct assistance. The overarching goal of these activities, according to their own depictions, is to uphold their citizens' rights and facilitate a humane process that respects legal standards.

However, it's essential to acknowledge that this may not always reflect the realities faced by asylum seekers. Many individuals may hesitate to contact their embassies due to concerns such as stigma,60 fear of potential repercussions, or apprehension about unlawful surveillance by the authorities in their countries of origin.<sup>61</sup> This is where the role of Units for return coordination within the Police and the SMA become crucial. In cases where direct contact with embassies is not feasible or not preferred, these units can serve as intermediaries between individuals with pending return decisions and the authorities in their countries of origin. For instance, a representative from the SMA highlights their ability to assist with obtaining travel documents for those who are unable or unwilling to approach their embassy directly.

<sup>&</sup>lt;sup>60</sup> See Vera Larrucea, Malm Lindberg, & Asplund, 2021, for an example of how Afghans of Hazara origin perceive their interactions with the Afghan Embassy in Stockholm as "hostile". However, according to the Embassy, this perception of hostility and discrimination does not align with their internal protocols. They have implemented a special approach for individuals considered vulnerable, advocating for them with the Police and the Migration Agency. Additionally, the Embassy has employed personnel who speak Dari and are of Hazara ethnicity to address feelings of discrimination (Vera Larrucea, Malm Lindberg and Asplund 2021).

<sup>&</sup>lt;sup>61</sup> The Lifos database, the Swedish Migration Agency's database for country information and legal governance, contains several reports and legal statements of fact which outline the use of unlawful surveillance, discrimination and human rights violations carried out by third-country authorities against their citizens abroad. See for example (Ekman, Almén and Engqvist 2023), (National Operations Department, Migration analysis 2020), (Amnesty International 2017), (Human Rights Watch 2014). The Swedish media have also reported on instances of refugee espionage. See for example (Lierbermann and Nina 2017) and (Sveriges Radio 2023).

Ultimately, bridging the gap between diplomatic missions' perceptions and the diverse experiences of asylum seekers underscores the ongoing need for sensitivity, flexibility, and continued dialogue to ensure the protection and well-being of all individuals involved.

# 6.2 Operational tools in return and readmission processes

# Readmission agreements and their impact on return and readmission logistics

The process of identification and issuing of travel documents becomes significantly more streamlined when there are no direct legislative or political obstacles in place hindering implementation, for example that the national legislation of the country of origin does not permit forced returns – as in the case of Cuba, the Gambia and Iran – or that there is a generalized lack of 'political will' to cooperate on returns. This is especially true when there is a readmission agreement in place.

As outlined in Chapter 2, these agreements are formulated to facilitate the return and readmission processes, offering a structured framework for efficient and organized returns. It is crucial to recognize that the function of readmission agreements goes beyond merely formalizing the consent of the country of origin to accept a migrant into its territory. Instead, it encompasses a comprehensive process that involves gathering evidence to accurately establish the country of origin, submitting corresponding requests, conducting inspections, and supporting the coordination of the actual transfer (Kuryliuk, Oliinyk and Kushnir 2023).

Our empirical material illustrates that these agreements can indeed facilitate smoother cooperation by reducing the administrative and procedural load on the diplomatic missions involved. This point is illustrated by a representative of the Embassy of Georgia, who explains how the agreement has made the process faster, stating that "[t]he process now is quicker – now there are big authorities with more resources who can process requests faster". In a similar vein, a representative from the Turkish Embassy describes the Embassy's role in the context of the readmission agreement as akin to functioning like a post office. This metaphor highlights the efficiency and reduced, active involvement of diplomatic missions in the process. They primarily act as intermediaries, receiving requests from the Swedish agencies and forwarding them to the relevant entities in their home countries:

When the Police or the Migration Agency send me a request, I run the documents through our systems and check if they are Turkish citizens. Then I contact the Ministry of Interior to get a confirmation of the return. Then it usually takes 3–4 weeks for them to process the request.

Representative, Embassy of Türkiye

Depending on the stipulations of the agreement and any associated implementation protocols, the authorities in the host country may also communicate directly with the relevant authorities in the country of origin. This direct contact can reduce the need for active involvement from diplomatic missions.

We, as an embassy, are more of mediator in terms of the agreements. It's the national interior authorities that are actually responsible for the implementation of the agreement. We also have cooperation with Finland but they for example communicate directly with the Interior Ministry while it goes through the embassy in Sweden.

#### Representative, Southeastern European Embassy

When asked about the logistical procedure of returning from Sweden to North Macedonia, a representative from the embassy explains that they only issue the travel document and that all contacts on these issues are done directly between the Swedish agencies and the Ministry of Interior in North Macedonia. However, the embassy representative explains that, in the spirit of transparency and information-sharing, the embassy is always copied on the correspondence when a request is issued by the Swedish agencies and when the request is answered by the North Macedonian authorities.

The diplomatic mission's role, regardless of its scale, in verifying identities and issuing travel documents arguably underscores their commitment to fulfilling the obligations outlined in readmission agreements. It highlights the principle of norm compliance, with diplomatic missions serving as enforcers of international agreements. However, while formal readmission agreements offer clear benefits, the experiences of countries without such agreements, like Uzbekistan, show that effective readmission can still be achieved through mutual cooperation. For example, a representative of the Embassy of Uzbekistan explains that "if the person has correct documentation, the Migration Agency normally doesn't need to make requests." This highlights the adaptability and resourcefulness inherent in the procedural management of return and readmission when there is a political will to cooperate. This sentiment

resonates with Cassarino's argument that cooperation on readmission "is rarely isolated from a broader framework of interaction and cooperation" (Cassarino 2007, 184).

The bilateral relationship between Sweden and Uzbekistan has notably intensified in recent years, exemplified by the establishment of the Embassy in Stockholm in 2022 and a high-level delegation visit from the State Secretary of the Swedish Ministry of Justice, Anders Hall, to Tashkent in November 2023 (Daryo 2023). This mirrors a broader trend of enhanced engagement between Uzbekistan and the EU, evident in the 2019 Strategy on Central Asia and the conclusion of negotiations on an Enhanced Partnership and Cooperation Agreement (The European External Action Service 2022). The central objective of the latter is to significantly enhance the regulatory framework for trade and economic relations. From the perspective of migration diplomacy, such partnerships can be viewed as mechanisms for applying positive conditionality, and encouraging compliance in migration-related areas – such as facilitating the readmission of nationals who have received return decisions. The success of these processes hinges on the ease of their implementation and the effectiveness of leverage mechanisms in ensuring compliance and streamlining return processes.

In this context, cooperation on readmission can be viewed as "just one of many means of consolidating a bilateral cooperative framework including other strategic (and perhaps more crucial) policy areas" (Cassarino 2007, 184). The pursuit of a formal readmission agreement, even in the presence of wellfunctioning procedural management of readmission, can thus be understood in light of the symbolic value that such an agreement holds as a testament to successful bilateral rapprochement.

The nature of readmission agreements is therefore such that they are as much about diplomatic relations as they are about migration management. The agreements necessitate a degree of mutual understanding and willingness to cooperate between Sweden and the countries of origin. This cooperation is not just about managing the logistics of returns, it is also deeply embedded in a broader strategic framework which intersects with a number of other policy areas. While formal agreements, as illustrated above, can offer a structured approach to managing returns, the practical experiences of diplomatic missions and the Swedish agencies reveal a landscape where not only political will but also operational capacity and communication play crucial roles. Another important aspect is the availability and employment of technological tools, which we describe further in the section below.

#### The use of technological tools

In addition to readmission agreements, the adoption of technological solutions can significantly streamline the return and readmission processes, as exemplified by the adoption of the Georgian Readmission Case Management Electronic System (RCMES). Developed with support from the International Organization for Migration (IOM), the Georgian RCMES offers a secure environment that covers the entire readmission process, from uploading requests for readmission by EU Member States to processing those requests by Georgian authorities and communicating the actual transfer data of the individual to be readmitted (IOM 2014). Additionally, it connects with the Georgian Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees, enabling coordinated reintegration efforts for readmitted migrants.

The system has reportedly enhanced the efficiency of processing readmission requests, earning Georgia recognition as an example of best practice among Swedish government agency representatives. Representative 2 from the Unit for return coordination at the SMA highlights for example how Georgia is "at the forefront with their new electronic case management system", describing how the RCMES has resulted in a more efficient process where the personnel at the SMA "no longer have to handle mail and emails and don't even need to travel into the city because everything happens in their system, and they are quick to respond and have good control". According to a report published by the European Commission (2020), this sentiment is echoed by other Member States who consider the RCMES as playing a key role in the overall "excellent" cooperation with Georgia, with a rate of positive replies to readmission requests above 90%.

Return case management systems are currently also being employed by the SMA to facilitate the processing of return and readmission requests to Armenia, Bangladesh and Sri Lanka. Inspired by the Georgian system, the Bangladeshi and Sri Lankan systems have been developed with support from the EU Readmission Capacity Building Facility (EURCAP) to standardize processes and enhance efficiencies in time and resource management (IOM 2020). In the case of Bangladesh, the RCMES was officially launched in November 2020 to support the implementation of Standard Operating Procedures (SOPs) between the EU and Bangladesh on the return of irregular migrants (IOM 2020). According to a representative from the Embassy of Bangladesh, this system – which is now also being used to process readmission requests from the Swedish agencies – has streamlined the process, allowing for smoother and faster identification of citizens with minimal data. This sentiment is supported by

representatives from the Unit for return coordination at the SMA, who describe cooperation with Bangladesh as working smoothly "as long as there are ID-copies of relatively fresh denomination"<sup>62</sup>.

The Sri Lankan RCMES has not yet been tested by the SMA as there have not been any readmission requests to the country since the new system was launched.<sup>63</sup> However, the experience from other Member States shows positive results, with more cases approved in the first four months of the system's inception in February 2020 than in the whole of 2018 (European Commission 2020).

The EU has also offered support towards the establishment of return case management systems aimed at streamlining the processing of readmission requests to Azerbaijan and Pakistan. Although these systems have not yet been implemented in Sweden, it is likely that the SMA will join them once the systems' compliance with confidentiality and technological requirements can be confirmed.<sup>64</sup>

Stringent requirements regarding confidentiality and technologically incompatible or underdeveloped systems likely contributed to the Swedish agencies' initial reluctance to adopt the RCMES when it was initially introduced by Georgia. "The readmission agreement was part of the package of visa liberalisation, but it was Georgia's initiative to get a digitized system. After a few years of hesitation, Migrationsverket [the SMA] agreed to join the system," a representative from the Georgian Embassy shared. Additionally, it is noteworthy that the Police have yet to join an RCMES with any of the countries mentioned above. The lack of a more unified approach among Swedish government agencies in collaborating with embassies, exemplified by the SMA's use of RCMES but not the Police, was in fact a point of frustration raised by the consular staff during our embassy gathering (described in Chapter 4 Methods and Material).

#### Identification missions

As outlined above, the identification and documentation of individuals who have received a return decision is primarily the responsibility of the consular sections of the countries of origin. However, when these offices are unable or unwilling to perform this task - whether due to a lack of cooperation or physical presence in the host country, mandate limitations, or insufficient

<sup>&</sup>lt;sup>62</sup> Luthman, I, 18 April 2024, personal correspondence (e-mail) with specialist and Embassy Liaison Officer at the unit for return coordination (SMA).

<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

capacity or resources - EU Member States can organize "identification missions" with the support of Frontex. These operations (henceforth called ID missions) are typically "conducted at the national level, on the basis of bilateral agreements or Memoranda of Understanding between the EU or EU Member States and third countries, by which teams of experts from these countries are invited to/deployed to EU Member States in order to officially confirm the nationality and complete the identification process of their nationals, who are not eligible for stay in the EU" (EMN 2017).

ID missions differ from the delegation visits described in the previous chapter as they have a more explicit operational aim to produce ID documents and, subsequently, travel documents for individuals who have received a legally binding return decision but for whom the usual consular processes are insufficient or unavailable. As such, ID missions can function as crucial operational tools that directly support both the host country (in this case, Sweden) and the country of origin in the return and readmission processes. While it may appear that these missions are primarily tools used by the host country's authorities, it is important to emphasize that they are inherently collaborative endeavours. The authorities from the countries of origin, including embassies and consular offices, are integral to the success of these missions. They participate actively by sending experts who engage directly in the identification process. The ultimate goal of these missions (accurate identification of individuals) should accordingly serve the mutual interests of both the host country and the country of origin.

One notable initiative within this framework was the Collaborative Interview Project (CIP), which took place between September 2013 and March 2016. Sponsored by the Development Council of the SMA and conducted in collaboration with the Department of National Operations (NOA) and the Border Police Section, the CIP aimed to facilitate the return of third-country nationals with legally binding return orders by inviting delegations from countries of origin to conduct interviews in Sweden. During the project period, five delegation visits were carried out, involving countries such as Vietnam, Armenia, and the Kyrgyz Republic. The project resulted in 270 interviews and the identification of 175 individuals for readmission (Rännar and Andersson 2017).

However, upon following up on the cases, it was discovered that many individuals absconded after acceptance or upon receiving travel documents (Rännar & Andersson, 2017). Despite these challenges, the ID missions within the project framework were still considered successful, as the Swedish agencies nonetheless were able to resolve several difficult and long-standing cases, some of which had even been prescribed twice. Notably, the successful outcomes from Vietnam highlight the importance of delegations having the authority to issue travel documents on-site once citizenship has been verified. Out of the individuals who received travel documents during the first visit, one person out of four (25%) had been returned to Vietnam after three months, and the corresponding figure for the police was 20 out of 22 (91%). During the second visit, four out of five individuals (80%) within the SMA's purview departed after three months, while for the Police, it was 14 out of 17 (82%) (Rännar and Andersson 2017). Conversely, the Armenian delegation lacked this authority and preferred post-visit issuance by the embassy in Stockholm. Due to cooperation difficulties with the embassy at the time, most travel documents were not issued until approximately three months after the visit.

A Process Specialist at the SMA described the project's multifaceted purposes:

One thing we had was the Collaborative Interview Project where we invited delegations to Sweden to try to identify citizens in different parts of the country for a week such as Malmö, Boden, Gävle, Stockholm, etc. The delegation got to talk to people with deportation orders where we had difficulty with identification... But there were several purposes: partly these delegations got to visit Sweden for free and are often satisfied, partly we get the opportunity to explain the process to countries that do not understand the enormous resources we put into this, that we provide accommodation, food, processes for appeals, etc. and it may come as an aha-moment for some.

Process Specialist, SMA

This quote highlights the dual benefits of the CIP: not only did it serve an operational function in identifying individuals for return, but it also allowed the Swedish agencies to showcase their legal processes and the resources invested in managing returns, which in turn fostered greater understanding and cooperation from the visiting countries.

Although the CIP was a pilot project in Sweden, it utilized a method widely used in other EU Member States. The success of the CIP highlighted the importance of thorough planning, the presence of the Swedish agencies during interviews, and the need for cooperation across different cultural approaches. Despite these positive outcomes, the CIP did not become a permanent strategy, but it served as a precursor to later ID missions supported by Frontex.

Frontex distinguishes between long-term and short-term ID missions. During long-term ID missions, experts from countries of origin are deployed in an EU Member State over a long period of time, potentially several years, to support the identification of their nationals. Short-term ID missions, on the other hand, are conducted on an ad-hoc basis and typically last for 1–2 weeks during which a delegation of third-country experts visit Member State(s) to perform interviews to confirm the nationality of individuals who have received a return decision (EMN 2017). According to the most recently available data from 2020, Frontex has performed 25 short-term ID missions and five longterm ID missions since it took over the task from the European Integrated Return Management Initiative (EURINT) in 2016 (European Court of Auditors 2021).

Following the CIP, and prior to Frontex assuming responsibility for aiding Member States with ID missions, the Police decided in 2016 to initiate the AMIF-funded Identification Mission Project (IMP). This project adopted a similar approach to the CIP, aiming to facilitate the return of 25 individuals after six delegation visits. However, this goal was never achieved (Ramböll Management Consulting 2017). In terms of achieving actual returns, the result of the IMP project thus mirrored the generalized outcomes of Frontex-supported ID missions to EU Member States with limited results in terms of identified individuals effectively returned (European Commission 2017).<sup>45</sup>

Nonetheless, Ethiopia's Ambassador, Mr. Mehreteab Mulugueta, (the only embassy representative among our respondents who had been involved in an ID mission to Sweden) described one of the Frontex-supported ID missions conducted in Sweden before the COVID-19 Pandemic as "successful", recognizing the work of the SMA and the Police in facilitating the interviews and orchestrating meetings at the detention facility in Märsta.

According to the Ambassador, the embassy's involvement in the missions entailed issuing laissez-passers to individuals who had been successfully identified by the visiting delegation. Given that the Ethiopian embassy normally only issues travel documents to individuals who return voluntary, the visits opened up a rare window for cooperation also on cases characterized by noncompliance from the individual. The Ambassador explained that while these missions have ceased since the COVID-19 pandemic, cooperation from the embassy continues through the issuing of laissez-passers for voluntary returns. However, in cases of forced return, the embassy refrains from issuing documents due to the need for a more "stringent procedure to be followed".

<sup>&</sup>lt;sup>65</sup> It should be noted that since most Member States are unable to provide statistics on individuals actually returned, it is impossible to evaluate the overall effectiveness of ID missions (European Court of Auditors 2021). However, the relatively low number of issued travel documents indicates that these missions might not be the most effective means to verify identity.

The ID missions, as exemplified by the Ethiopian case, can expedite what can otherwise be a protracted and complex process of verifying identities and issuing travel documents. The missions provide a structured and efficient framework within which embassy staff can operate, opening up the possibility to resolve cases that might otherwise remain unresolved due to insufficient documentation or lack of direct access to the individuals involved.

Nonetheless, while the Ethiopian ID missions were, in the words of Ambassador Mulugueta, "successful", they did not yield tangible outcomes in terms of actual returns66. Instead, their success can be interpreted in the context of fostering a deeper understanding among countries of origin regarding the rationale behind prioritizing cooperation on readmissions. According to the final report of CIP, familiarity with the Swedish system makes visiting delegations more inclined to collaborate on verifying nationality and obtaining travel documents (Rännar and Andersson 2017). This view is also presented in a European Commission Progress Report on the Partnership Framework with third countries under the European Agenda on Migration from 2017, which suggests that ID missions should primarily be viewed as trust-building measures aimed at facilitating structured cooperation, rather than as a tool to achieve concrete results in terms of executed return orders (European Commission 2017).

### 6.3 Summary

Throughout this chapter, we have delved into how the diplomatic missions perceive their roles and functions in the return and readmission processes, as well as the tools employed at an operational level by both diplomatic missions and the Swedish agencies in order to facilitate these processes.

It is evident that diplomatic missions are often involved in crucial aspects of return and readmission procedures, particularly in verifying the identities of individuals and issuing necessary travel documents. This involvement is essential not only for enforcing return orders but also for ensuring a process where individuals feel they can rely on the authorities in their country of origin for support and information. This underscores the importance of diplomatic missions in fostering trust and cooperation, ultimately leading to improved outcomes for both the individuals involved and the broader return and readmission system. We found, however, that the level of involvement from the embassy varies based on national practices, the implementation of readmission agreements, and the cooperation of individuals with return

<sup>&</sup>lt;sup>66</sup> Luthman, I, 2 May 2024, personal correspondence (e-mail) with representative from the unit for return coordination, SMA.

procedures. Despite constraints on direct intervention, all embassy representatives interviewed for this study expressed a commitment to safeguarding the rights and interests of their citizens abroad, offering support, legal assistance, and ensuring the fair treatment of their nationals by Swedish government agencies.

Key tools employed at an operational level include readmission agreements, electronic systems for managing readmissions, and ID missions. These tools streamline logistical procedures and enhance cooperation between Sweden and countries of origin. For instance, readmission agreements reduce the administrative burden on diplomatic missions, while technological solutions like the Georgian Readmission Case Management Electronic System (RCMES) improve efficiency in processing requests. It is clear that the sluggishness in adopting these new technologies, exemplified by the SMA's original hesitation to join the Georgian RCMES and hitherto the reluctance of the Police to join these systems, can lead to missed opportunities for efficiency gains and improved processes, highlighting the importance of fostering a culture of innovation and adaptability within government organizations.

Moreover, the experience of ID missions is that they do not necessarily generate tangible results in terms of executed return orders. The benefit of using ID missions as an operational tool to increase the returns enforcement rate is therefore limited. However, when looking at ID missions through the lens of migration diplomacy, it is clear that they also serve a purpose as tools for influencing the political will of countries to cooperate on returns, and can thus lead to more effective cooperation in the return process. These ID missions offer the Swedish government agencies the opportunity to share knowledge with partner countries about migration management in Sweden, and about the implications for individuals facing return decisions.

Despite these advances, challenges remain, such as variability in cooperation on identity verification and the issuance of travel documents, communication issues between Swedish government agencies and diplomatic missions, and the operational constraints posed by the absence of formal readmission agreements with some countries. Addressing these challenges requires enhanced coordination, technological innovation, and strengthened partnerships with countries of origin to ensure a humane and legally sound return process. Crucially, for these operational tools to function effectively, robust political cooperation is essential. This requires that conditionality and leverage be applied strategically, ensuring that investments in operational tools, such as readmission agreements, ID missions or electronic systems, are justified and will continue to deliver results over time.

# 7. Swedish Return Policy: A View from the Embassies

### 7.1 Diplomatic missions in Sweden

This chapter illustrates how Swedish return policy is interpreted by those working in the embassies. As explained in Chapter 6, diplomatic missions are usually the ones that have direct contact with the Swedish government agencies and, at times, with returnees. Despite not being able to gather information and views from some relevant embassies, our present material provides significant insights into what works, what doesn't and what can be improved in the area of return and readmission.

Contrary to what previous literature suggests (see, for example, Paasche, 2021), our empirical findings show that the representatives who participated in this study did not perceive that their countries are either recalcitrant or unwilling to cooperate on readmission. In many cases, embassy staff show a strong interest in return and readmission mechanisms and were able to detail the problems they face in readmitting their citizens. Although embassies could still improve certain aspects, there seems in general to be a willingness to cooperate. The issue is complex and politically sensitive. It is also part of the relations between states. In this sense, bilateral relations that are defined as good or even excellent should be reflected in cooperation in return areas. This makes sense within migration diplomacy, as many aspects of relations between states influence the political will to cooperate.

In this chapter, we delve into different forms of formal cooperation, the role of external criticism and sanctions, and an evaluation of cooperation in return and readmission from the perspectives of embassy representatives. Finally, we offer a classification of cases based on our empirical material.

# 7.2 Cooperate with whom? Multilateralism versus bilateralism

Countries differ widely in terms of the actors that should be involved in the management of return and readmission. While most countries in the Balkans and the Caucasus prefer the EU's way of assessing this policy area, some countries in the MENA region stated that they would prefer bilateral agreements

with single countries rather than with the EU as a whole. Cooperation in this area is perceived by some as more direct and flexible when it is bilateral.

For example, Morocco's representatives explained that the bilateral route was preferable because of the intricacies of return and readmission. This is not unique to these two countries. Other diplomatic missions, such as those from Mongolia and Cuba, also argued in favour of a bilateral approach. The previous chapter detailed the difficulties in reaching an EU-Iraq agreement, despite considerable political efforts. What could be the common denominator among those who opt for bilateralism? Perhaps geography, as they are not in the immediate vicinity of the EU. Political and cultural factors could explain the preference for a bilateral approach, but this would exclude Morocco, which is a neighbour country to the EU but has no agreement. Meanwhile, Ethiopia and Bangladesh are not neighbours to the EU, but both countries have signed readmission agreements with the EU, although both countries have been sanctioned for not complying with the terms of the agreement. Therefore, geographical and cultural distance do not fully explain the preferred option for cooperation on return and readmission.

As outlined in Chapter 5, other representatives informed us that the EU readmission agreements work well in terms of facilitating the operational implementation of return decisions. Here we can see a parallel in representatives of countries opting for a multilateral readmission solution. Their narratives are much more imbedded in the EU's language of negotiation. In many cases, the agreement they cite has been achieved within the framework of the EU Roadmap towards visa facilitation and specifically visa liberalization for the countries within the EU's Eastern Neighbourhood area. The leverage in this case works considering the conditions set to come close to, or even become a member of, the EU. Therefore, working readmission agreements are facilitated when conditionality is linked to becoming part of the European Union or having close ties to it. This seems to confirm previous research on the success of agreements, which has been previously connected to the country of origin's own willingness and capacity to implement the agreements (Sønsterudbråten, et al. 2016). Certain rewards, such as EU membership, are especially important in influencing the political will of the country of origin.

As discussed in Chapter 2, elements of leverage aim to offset the consequences that readmission may have for countries of origin. These elements are seen as positive conditionality when they aim to reward states (Kipp, Knapp and Meier 2020) if they fulfil the conditions of host countries, in this case cooperation on readmission. Leverage in EU negotiations is not only linked to the promise of membership. There are a number of positive conditionality factors linked to a specific region. A good example is the European Neighbourhood Policy<sup>67</sup> (ENP), which was launched in 2004 with the aim of promoting stability, security and prosperity in the EU's neighbouring regions. The strategies cover the EU's immediate neighbours to the east and south. Differentiation is the main principle of the ENP and seems to partly explain the different approaches to the specific area of return. The EU offers tailored partnerships, recognising the different aspirations of partner countries for their relationship with the EU. However, the programmes targeting the East (the European Eastern Partnership) are more comprehensive. This can be seen as a priori positive conditionality, as it covers more issues than return and is designed to benefit not only the countries of origin but also the security of the EU's borders. Nevertheless, the ENP has an indirect conditionality effect and could influence the political will and conditions for readmission. Moreover, by taking into account security and prosperity, it also encourages countries to create a better environment for the reintegration of returnees.

In the countries covered by this study, we found no complaints against the agreement among the diplomats representing this area. Migration diplomacy seems to work at its best in these cases. Still, it is important to highlight that return is not treated as an isolated policy area. It is embedded into a comprehensive strategy to have closer and deeper relations with the EU in several different areas.

The European style or the European language in readmission agreements is also easy to understand by countries that already have a smooth relationship with the EU. A good example is the readmission agreement with Moldova:

The agreement with the EU is working perfectly. The text of the agreements is easy for the implementors. The translation of "agreement/diplomatic language" into daily, "implementor language" facilitates its implementation.

Liliana Gutan, Ambassador of Moldova

What is the common denominator among the countries who opt to manage readmission multilaterally, via the EU? In a majority of cases, these are countries situated to the East of the EU – former Soviet Republics. The main incentive to cooperate in the area of return is the advantages that a close relationship to the European Union brings within the framework of the ENP. There is a myriad of incentives ranging from visa liberalization, which opens the door especially for young people who wish to access the European labour market, to commercial and cultural interchange, with EU membership being the main prize.

<sup>&</sup>lt;sup>67</sup> European Neighbourhood Policy - European Commission (europa.eu)

Still, not all countries fall into the previous conclusion. An exception to the desire for membership is Azerbaijan. The country has no apparent interest in membership of the EU – though it does express a desire to strengthen relations with the EU.

A special case is Mongolia which, according to the representative interviewed, perceives the EU as a bloc and includes it in its novel concept of the 'third neighbour'. Surrounded by only two (very) powerful neighbours, Mongolia has sought to engage with other powers, such as Türkiye and the EU, in order to find some balance in the international arena and to count on other allies besides its politically strong neighbours. In this context, good relations with the Nordic countries are important for gaining a foothold in Western countries. Here we can see that leverage does not always imply tacit positive or negative conditionality. It can be a symbolic element of exchange in international relations. When looking for a balanced list of allies, countries may become more committed to opening up for readmissions. In this case, although Mongolia would like to include the EU as a third neighbour, the agreements are negotiated bilaterally. Mongolia has signed readmission agreements with Switzerland and the Czech Republic. According to a representative of the Consular Department, Embassy of Mongolia, two more agreements are about to be finalised, with the Benelux countries and Austria. The representative interviewed believes that the bilateral way is more effective than a multilateral agreement, especially from the perspective of visa facilitation. A case-by-case approach is easier for the Mongolian authorities. Therefore, it is difficult to find common denominators among countries opting for multilateral solutions within readmission. What we do know about bargaining strategies is that within the field of migration diplomacy, the expected leverage in migration control is affected by many variables (Akçay and Demircioğlu 2022). Moving between leverages and conditionalities affecting return might be less complex when the negotiating parties are only two. The costs of return and readmission could be compensated by what each country has to offer.

### 7.3 The effect of criticism and sanctions

States that have committed themselves to readmission and yet fail to fulfil their obligations can be sanctioned according to the logic of conditionality and leverage. In the cases in our study, the diplomats interviewed did not deny the problems they face in cooperating in the process of returning their citizens residing illegally in Sweden. However, there is a critical view of the domestic conditions they face that can hinder cooperation. The diplomats who participated in our study are for the most part aware of the criticism and sometimes sanctions that the state they represent might receive. However, there is an inherent desire for this criticism to be constructive, and accompanied by an offer of support.

We follow international legislation. But implementation might still be an issue and not in line with Swedish standards. We don't think criticism helps but we are happy to receive assistance. Representative, Caucasus region Embassy

The diplomats interviewed declared that in most cases, their countries were not in a position to overcome the difficulties on their own. They need international help. This suggests that readmission is not only about political will, but also about the technical and economic resources available to make readmission possible. This is particularly true for countries with a recent or ongoing armed conflict, such as Ethiopia. In this case, the cost of readmission increases as the country has to deal with a number of other difficulties on a limited budget. Here we see the asymmetric nature of readmission agreements. A country of origin handles a certain degree of power in allowing and cooperating with the readmission of its nationals given that the country expelling these nationals - the host country - has a need to implement these return decisions to ensure the coherence and stability of its migration regulations. The host country might then end up in a weaker position. The country of origin can negotiate readmission under a number of conditions. The internal situation of the country of origin may change to such an extent that readmission cannot be prioritised, and sanctions may be imposed, notwithstanding the higher costs of readmission.

Two interesting cases that illustrate different outcomes after sanctions are Bangladesh and Ethiopia. Both received sanctions from the EU in 2021. The lack of cooperation with Member States culminated in a temporary suspension of certain visa provisions. Ethiopia's Ambassador Mehreteab Mulugueta is aware of the sanctions and communicated the reasons why Ethiopia was unable to comply with the agreement:

We don't have a sustainable organisation for return now. Rejected asylum seekers should have people waiting for them to help them return and reintegrate and they should be followed up until they have reintegrated into the hometown. They should've been given support but that is not working... Cooperation should be some kind of a discussion and collaboration. More discussion would be helpful, and the current work is not sufficient. We must work out a mechanism to return, reintegrate and live a sustainable life. If it is successful, then more people would have an incentive to return. Ambassador Mehreteab Mulugueta, Ethiopian Embassy<sup>68</sup>

Often, but not always, there is a response to the problem pointed out by sanctions and criticism. But there is also a dose of realism about the country's ability to assess the problems that lead to non-compliance with the terms of the agreement. The opportunities for improvement go beyond administrative and bureaucratic challenges. They may be rooted in more fundamental difficulties that impede readmission, as in the case of Ethiopia. Countries with an ongoing or recent armed conflict have multiple priorities on their national agenda and readmission may not be one of them.

Bangladesh reacted rapidly to the sanctions and cooperation on readmission improved after these sanctions. Although the representative in the Embassy of Bangladesh was not in possession of all the details regarding the sanctions, he named potential repercussions that visa sanctions might bring. Visas to the EU Member States are important for Bangladeshi citizens, especially for the highly-skilled, educated ones who look towards the European labour market, and in this case Sweden, to find a job according to their skills.

According to an explanatory memorandum (COM(2021)412)<sup>69</sup>, the Bangladeshi response to readmission requests and issuing travel documents within the agreed timeframe was considered unsatisfactory by several Member States. Bangladesh previously had a problem identifying populations. Not all citizens were registered in official records by Bangladeshi authorities, according to the representative of Bangladesh. Nowadays, the country has improved its technical capacity and has a good platform, as it created the Returnee Case Management System (RCMS) to support readmission processes from Member States.

<sup>&</sup>lt;sup>68</sup> Joint Dialogue 27 November 2023.

<sup>&</sup>lt;sup>69</sup> Explanatory Memorandum to COM(2021)412 – Suspension of certain provisions of Regulation 810/2009 with respect to Bangladesh – EU monitor

## 7.4 Evaluating the operational strand of return: Coordination between embassies and the Swedish government agencies

#### What works?

The aspects highlighted as positive by the diplomatic missions are related to the orderly Swedish system and the good tone of the authorities. Communication with the SMA and the Police is mostly described as positive but having room for improvement. Contact with the Swedish government agencies is formal but cordial. The Balkan countries, the Caucasus and Central Asia describe their relations with the Swedish agencies as very good, at both the political and operational levels. There is a constant exchange that overlaps with areas other than return. The exchange has a positive impact on cooperation in difficult return cases. But it also highlights what Sweden is doing well in terms of conditions for returnees and sets high standards, standards that are looked up to.

I really think that in Sweden, when it comes to upholding the law, the standards are high. [Besides] although the conditions of detention centres in Bosnia have improved over the years, the quality and standards of Swedish Detention Centres are among the highest in the world. So, when a detainee is seeking a transfer from the detention centre in Sweden to the one in Bosnia and Herzegovina, it does sounds like the individual is seeking a downgrade for accommodation and amenities.

> Branco Babic, First Secretary, Embassy of Bosnia and Herzegovina

Interestingly, some representatives from this region mention the humane side of return, the treatment and living conditions of those in detention centres, which are considered to be good. These aspects are not often highlighted by the Swedish agencies, who tend to offer a perspective of effectiveness. From our interviewees' perspectives, the conditions offered by Sweden show that there is another metric besides the number of executed returns that could complement the evaluation of Sweden's return policy. Moreover, many representatives said that in Sweden there is a certain 'order', and rules that function and are predictable. Oftentimes, diplomatic personnel have been deployed in several other countries before coming to Sweden. It is then inevitable to compare their previous experiences to Sweden: When it comes to solving particular problems. They [the Swedish agencies] are always receiving us in good faith. At the human-tohuman level it's a very nice country to work in. In Sweden, the lines are clear. I've worked in many countries but in Sweden you always get what they say you are going to get. They are very correct. Representative, Embassy of Türkiye

There is also a sense of being part of a larger network within the migration field when in Sweden. For example, the EURLO representing the EU in a specific number of Central Asian countries have previously visited the embassies of these countries in Stockholm. The needs of both parties in return and readmission are taken into account through different visits.

#### What doesn't work?

Although the Swedish system is praised by a large majority of our respondents due to its order and propriety, there is a generalized difficulty in understanding Sweden's administrative system. The independence of every Swedish government agency is especially difficult to understand. Some diplomats of geographically distant countries struggle to understand the logic of having different actors that need to be contacted for different purposes. For example, the representative of the former government of Afghanistan stated the following:

In my experience, communicating with higher authorities in Sweden can be quite challenging due to the decentralized nature of the governance structure. During my visit [to the Government Offices], I was shown a diagram illustrating that each authority operates independently.

Representative, Former Government of Afghanistan

Navigating the accountability of different Swedish agencies is reported as difficult not only by the above respondent but by the majority of our respondents. Swedish bureaucracy is difficult to understand. To find out who does what in Sweden is considered time-consuming and exhausting.

A result of the delineation of duties across the agencies involved in the strategic and operational work on return and readmission in Sweden and the movement of personnel between these agencies, is that embassy personnel may find it challenging to discern the appropriate point of contact for their inquiries or to identify the entity from which to seek accountability. Diplomatic missions express the need to have one focal point of contact with each agency to whom they can convey their questions or urgent needs. A respondent interviewed at Kosovo's embassy explains that they "are lacking one focal point in the Swedish Migration Agency" and that they therefore have "to call around". This point is reiterated by a representative of a Southeastern European embassy who explains that it would make her work "a lot easier" if she had a point of contact: "I have a lot of cases and it takes a lot of my time trying to figure it out who is the responsible person." (Representative, Southeastern European Embassy).

The lack of clarity around the division of roles between the Swedish agencies is further exacerbated by the fact that the Police also handle cases that are not necessarily characterized by involuntariness in return, but where the return decisions emanate from a Criminal Court. From the perspective of the embassy staff, it can therefore seem arbitrary whether a case is handled by the Police or the SMA, especially since they do not generally receive information on how or why a particular case is managed by one agency over the other.

Most diplomatic missions wish for better communication with the SMA, the Police, and the Ministry of Justice. In their role as bridge-builders, diplomats wish to have an exchange with these agencies and not be seen as merely service providers to the Swedish authorities. This was expressed as important for better cooperation, where the parties are seen as equals and not only as providers. The diplomatic missions that participated in our study felt that they were mostly seen as informants and that they were rarely given feedback. More specifically, there were claims made by our respondents that in return and readmission, diplomatic missions are not treated as participants in the cooperation. The Ambassadors, who are representing their country, get very little information about return cases. Therefore, it is difficult to draw conclusions or have a clear picture of the return and readmission process for their citizens.

The consular section operates very independently. We are only informed after a decision has already been made. Often, we do not receive notice of where the returnees have been sent or if they have been sent back at all.

Dr. Shkëndije Geci-Sherifi, Ambassador of the Republic of Kosovo

At the end of the process, we are only informed. Representative, Former Government of Afghanistan

Some diplomatic missions express frustration at the impossibility of helping their compatriots awaiting removal, i.e. forced return. Others express their annoyance at the secrecy surrounding returns and the lack of information about the returnees. As diplomats, they are expected to protect the rights of their citizens abroad. Although it is up to the returnee to decide whether they wish to have contact with their embassy, the missions interviewed reported that families and members of the diaspora have contacted them to ask for help in locating their family members – in prison or at a detention centre – in order to support them. Lack of information hinders such a role. There is a sense here that purely operational practices are hampering the diplomatic role, without viewing return and readmission as an overarching process. There is a clear conflict of goals between the Swedish rules on secrecy and access to information on the part of the embassies. Both claim to take into account the humanity and dignity of the individual. The embassies claim to want contact in the interest of the citizen. The SMA and the Police do not share information about returnees because they want to protect their identity and privacy. Both actors claim to be acting in the name of the individual's best interests.

#### What can be improved?

Following on from the above section, diplomatic missions had certain points in common regarding what they considered most challenging in their role within return and readmission. This was not only about what doesn't work as in the previous section, as our interviewees offered certain hints for improvement in all of the cases detailed here. Our interviewees even thought of possible solutions to those challenges.

# More comprehensive cooperation – communication with the Swedish government agencies

In Chapter 4 we described how both the SMA and the Police have functions – return coordination units – that liaise with embassies on return and readmission matters. This can be confusing for foreign authorities who receive requests from both the SMA and the Police. In our interviews with representatives of diplomatic missions in Stockholm, it was clear that interviewees sometimes confused the roles of the Police and the SMA and discussed them as if they were a single entity. This observation is supported by feedback from representatives of the SMA's return coordination unit, who noted that embassy staff sometimes seem to confuse them with the Police (interview with Expert at the SMA).

This issue is further exacerbated by the movement of personnel between these government agencies. Sweden is a relatively small country, and it is not uncommon for people working with return and readmission to describe themselves as being part of a 'small bubble' where the same individuals frequently move between different government agencies, and units within those agencies, involved in return and readmission procedures. The same person who previously worked at the Unit for return coordination within the Police can thus suddenly be found working on return-related issues within the SMA or the Ministry of Justice. This is beneficial because it means that knowledge and expertise is distributed between the various government agencies. It also allows personnel at Swedish and foreign authorities to maintain personal relationships that they might have established, and to take advantage of these in other areas. However, from an outsider perspective, the movement of personnel between the government agencies further blurs the boundaries between the agencies, and can thus make the division of roles between the Swedish government agencies involved in return and readmission seem confusing and less clear-cut. Therefore, aspects like this can be described more as a challenge than a deficiency.

The first practical challenge mentioned by all diplomatic missions has to do with **the nature and content of cooperation**. According to our interviewees, cooperation and coordination within return should not only consider the missions as producers of documentation and for the identification of citizens. The need for better and more frequent communication with the Swedish government agencies is desirable by diplomatic missions, as the following quote states.

I wanted to formally introduce myself to the Migration Agency, but they are hard to contact. The Police is often at the embassy but only to collect documents, etc. ... I have previously requested statistics from the Migration Agency. I eventually received them. But it took months. This is a problem because, in general, it is difficult to get information from the Migration Agency. Most of the documents are in Swedish and English sites are limited. We have no Swedish-speaking personnel at the embassy.

... I wish I had more meetings with the Migration Agency as I need to know more about the processes that affect citizens from the country that I represent.

Representative, Mongolian Embassy

A second challenge identified by most of our respondents is the **need for information on the number of return cases**. Having access to clear numbers of cases would make it possible to have a realistic picture of the scale of return decisions. The lack of information on the number and status of people returning to the countries they represent ranges from statistics to planned returns and contact with potential returnees to assess their needs. In several cases, diplomatic missions didn't have information on the number of nationals who had received return decisions and the outcomes – whether they returned, absconded, etc. – of those decisions. There was also little information on the prevalence of voluntary return, forced return, absconding, etc. In some cases, the estimated number of return decisions (received by their national)s made by our respondents was far from the reality. The real scale of the return and readmission problem is therefore unclear for some missions. These statistics are, in theory, public, although they are not available on public websites and the terminology used to request information is not understood by everyone. Our interviewees believe that proper knowledge of return decisions and outstanding return cases could give them a better picture of the problem. According to our respondents, this clarity could lead to improved cooperation.

In general, the need for information is expressed in relation to three issues: the legal certainty of the return decision, the communication of return enforcements, and the identification of nationals in need of consular assistance.

#### The legal certainty of the process

Diplomatic missions are typically approached once a return decision has been made and becomes final. This means that there is no recourse, and a Migration Court has issued a definitive ruling, requiring the SMA or, if necessary, the Police to enforce the return. However, it is important to note that diplomatic missions lack the authority to verify whether individuals have exhausted all legal avenues before being compelled to return.

As outlined in section 6.1.2, numerous diplomatic missions perceive the embassy as having a role in ensuring that the return process is conducted in a humane and legally certain manner. Notably, representatives from countries outside Europe emphasized the importance of ensuring that their citizens have explored all available options and are genuinely unable to remain in Sweden. The fear is that the individual might have had a chance to stay in Sweden and would find out about this after return.

In such cases, the embassy assumes the responsibility of protecting the rights of its citizens on foreign soil. In essence, the representatives of the country of origin seek to ensure that their citizens are treated with dignity, even in cases where individuals contest the return decision. This is where the diplomatic role intersects with migration diplomacy. But in this case, their role as mediators between two countries, i.e. the traditional role of a diplomat, cannot be fully performed, at least not at the expense of their citizens' rights abroad. This is an interesting angle in the management of readmission. Just as the Swedish embassy coordinators at the SMA would like a "crash course" in diplomacy, foreign diplomats sometimes want more knowledge about how to manage readmission cases - so that they can support their state and the readmission of their fellow citizens, but also understand the scale of the task that the Swedish agencies have with respect to these fellow citizens. This is one way of managing return migration that could be improved with further dialogue and a strategy that goes beyond a mere readmission agreement.

#### Information on the enforcement of the decisions

As representatives of a government in a foreign country, part of the diplomatic mission's role is to inform their government of the decisions taken in Sweden that might affect the interests of their country. Returning a certain number of citizens by force is perceived as part of that desired information.

Embassies, especially those representing a country in the MENA region, feel that returnees might be in need of help. This conflicts with the rules of confidentiality surrounding a return case, which are there to protect the privacy of the returnee. Although the returnee has the right to contact their diplomatic representation on their own, even when in detention, the diplomatic missions don't know whether their citizens understand this or the potential help they may receive from the embassy personnel.

Even in diplomatic missions where their cooperation with the Swedish agencies is deemed good, the lack of information was considered to be problematic, as highlighted by a representative at the Embassy of Georgia:

There are some technical details on how the cooperation could be improved. According to the agreement, the requesting party should notify us when someone is expelled. Sometimes the police just puts a person on a plane and don't notify us. The police have said that its personal information – but it's not. We need to have this information to stop the crime. For example, if someone has been deported, they are not allowed to change their last name for a period of 5 years. According to current legislation a person is only allowed to change the surname, and if they are deported or expelled there is a ban on 5 years.

Representative, Embassy of Georgia

As mentioned in the above quote, many readmission agreements (notably the ones with Georgia and North Macedonia) or more informal arrangements mention the need to inform diplomatic missions about the implementation of return decisions, especially forced ones. Still, several representations claimed that they are rarely or never approached when individuals are returned. On occasion, the representatives at an Embassy receive complaints from the government they represent for not delivering information, especially when forced returns are implemented. The request for information is considered legitimate by all diplomatic missions. However, not all of them referred to the text of the agreement to justify their need for information.

Although it is difficult to know the reasons behind the inclusion of the embassies in these specific cases, it seems to have good results during the process of return and readmission. This is the case of North-Macedonia.

We get [a] copy of the decision communicated to the Macedonian authorities. This is part of the sub-legislations. We are an unavoidable channel. They communicate directly and they copy us [in].

Representative, Embassy of North Macedonia

The embassies' different expectations of the Swedish agencies are influenced by how they perceive their consular function as we previously discussed. This perception varied among the diplomats interviewed. Although our research questions departed from the cooperation and coordination with the Swedish agencies, during our interviews we perceived that some representations feel that their role is not only to be a mediator between their governments and the Swedish government agencies, but also to assist their nationals.

#### The need to assist their nationals in need

As previously mentioned, our interviewees within the consular sections expressed a sense of expectation from their citizens to serve as intermediaries between them and the Swedish agencies. However, fulfilling these expectations is not always possible. A representative in a consular role declared that although it is possible to assist their nationals with certain questions, they request information that is not possible for them to obtain.

Sometimes it has been difficult with getting the full information about specific cases since the Police cannot always disclose it, due to laws and regulations.

Representative, Southeastern European Embassy

As the quote above illustrates, this situation can indeed be frustrating for embassy staff who are trying to provide assistance to their citizens. However, it is important to recognise that the lack of response from the Swedish agencies does not necessarily reflect an unwillingness to cooperate, but rather the constraints imposed by the Swedish Public Access to Information and Secrecy Act (*Offentlighets- och sekretesslag – OSL*), which limits the disclosure of information unless there is a specific provision allowing it to be shared with a foreign authority. In addition, it is important to recognise that information on matters concerning foreign nationals may be highly sensitive in relation to the authorities in the country of origin. Even if there is a specific provision allowing the disclosure of certain types of information, a thorough assessment must always be made in each individual case to determine whether disclosure can and should take place (8 kap. 3 § 2 OSL n.d.). However, many of the diplomatic missions interviewed for this study had difficulties understanding this provision. There is a clear need for improved transparency and guidance on navigating these limitations. By enhancing communication channels and providing better clarity on the constraints imposed by the Act, both the diplomatic missions and the Swedish agencies can work towards more effective cooperation in supporting citizens abroad.

The role of diplomatic representatives can be perceived as assisting their citizens when there are in trouble on foreign soil. Still, the return process has to do with the regulations in the host country. The role of the diplomatic missions in the process is seeing it from a Swedish perspective so as to facilitate the return by providing travel documents and, if necessary, correctly identifying the returnee in (their) national registers. However, not all diplomatic missions approached perceive their role in the return process in the same way.

We had a case when a Moldovan woman needed documents (hers were expired) so we cooperated with the Police to produce a temporary travel document. They don't tell us why the person was in police custody.

We don't approach our citizens unless there is a request from the Swedish Police. Our embassy is not entitled with migration expertise, we are just a link between the Swedish agencies and the responsible agencies in Moldova.

Ambassador Liliana Gutan, Embassy of Moldova

As mentioned in a previous section, a generalized preoccupation among the missions in the study is the situation of nationals who find themselves in a detention centre. This is usually towards the final phase of the return process, when the SMA places the person in custody so that they can be available for return enforcement<sup>70</sup>.

A lot of people are ashamed to be there [detention centres]. Their families often request for the consulate to be there. But we don't have much communication with the border police. They do not communicate to us if people are being returned to Mongolia. We wish for more information on this regard.

Representative, Embassy of Mongolia

In many cases, diplomatic missions stated that family and friends inform them about whether a national has been taken into custody in a detention centre. According to our respondents, it is difficult, if not impossible, to track them when they are detained in a facility in Sweden. According to the SMA, the responsible agency for detention centres, a request to receive visitors should come from the individual. A team leader of at a Detention Unit in Märsta, Sweden's largest detention centre, described that visits from diplomatic representations are rare. The visits are either requested by individuals in detention or may be part of an agreement with the SMA or the Police when a large group is to be interviewed at the same time for the purposes of identification.

The times I myself have spoken with the embassy staff, it has been more about information from the embassy; for example how they view forced deportations/executions of deportations where there are minors in the family.

Team leader, Detention Unit, Märsta

<sup>&</sup>lt;sup>70</sup> According to Sweden's Aliens Act, Chapter 10. Detention and supervision of aliens Detention Section 1 *An alien who has attained the age of 18 may be detained if 1 the alien's identity is unclear on arrival in Sweden or when he or she subsequently applies for a residence permit and he or she cannot establish the probability that the identity he or she has stated is correct and 2 the right of the alien to enter or stay in Sweden cannot be assessed anyway. An alien who has attained the age of 18 may also be detained if 1 it is necessary to enable an investigation to be conducted on the right of the alien to remain in Sweden, 2 it is probable that the alien will be refused entry or expelled under Chapter 8, Section 1, 2 or 7 or 3 the purpose is to enforce a refusal-ofentry or expulsion order. A detention order under the second paragraph points 2 or 3 may only be issued if there is reason on account of the alien's personal situation or the other circumstances to assume that the alien may otherwise go into hiding or pursue criminal activities in Sweden.* 

As described in the above quote, some representations stated that they had contacted a detention centre to know more about the conditions for vulnerable citizens. The best interest of their nationals is a legitimate preoccupation of diplomatic missions, as specified by the interviewees. It is, however, and according to Sweden's Aliens Act, up to the individual at the detention centre to request a visitor. This particular point was never mentioned by the interviewees at the diplomatic missions. Therefore, more knowledge about the possibilities to establish contact between detained nationals and their country's diplomatic representation might improve the role and function of diplomatic missions in the return and readmission process. In these respects, advances in migration diplomacy may not be a solution to the intricacies of implementing return decisions compared to the traditional role of the diplomat. The particularities of the host country, in this case Sweden, need to be known, understood, and taken into account when a diplomatic mission handles the return of its nationals. As liaison officers act as knowledge brokers when posted abroad, diplomatic missions could also have a role in providing the necessary information about the specificities of return from Sweden to their national authorities.

## 7.5 A preliminary classification of cases

#### **Best practice**

We choose to call best practice countries of origin with whom cooperation within return and readmission has been sustainable over time. Among the diplomatic missions interviewed, those from the Balkan countries offered the most positive vision of their interaction with the Swedish government agencies. Cooperation (in many areas, not just migration) has developed over the past decades within the EU framework, but also bilaterally. Returns to these countries, which have been the source of large numbers of returnees in previous decades, are no longer considered as problematic. In recent years, a method for understanding has been developed in the work of the Swedish agencies, with formal and informal tools.

In the case of Kosovo and Serbia, large diasporas have facilitated relations with Sweden. The large number of returnees from these countries is a delayed consequence of the large movements of asylum seekers and family reunification in the 1990s. The need to cooperate on readmission requests and the desire to move closer to the EU were a good formula for effective cooperation. This is a success story of migration diplomacy that would have benefited both sides. The conditions for such cooperation were good, given the rewards that the Balkan countries received or could potentially receive. In addition to Kosovo and Serbia, other representatives from the region highlighted Sweden's support at an early stage of the state-building process. In all four cases, Sweden was among the first countries in the world to recognise the independence of the newly formed states. Diplomatic relations were established at an early stage and there has been cooperation in a number of areas in addition to development aid. For example, Kosovo recently received a delegation from the Swedish Tax Agency (*Skatteverket*) to help develop a tax registration system in Kosovo.

The young Balkan states have benefited from Swedish cooperation, but also because their systems are young, they have been able to adapt to the requirements of European return systems and incorporate them into their readmission processes. This has also been observed in the post-Soviet countries. However, the promise of eventually becoming part of the EU may be an important factor for these young states. Moreover, a number of reintegration programmes took into account not only the effectiveness of return, but also the situation of returnees after their return. Reintegration programmes, especially for rejected asylum seekers, have been implemented, monitored, and evaluated by the Swedish Red Cross, sometimes in partnership with the SMA and sometimes with EU funding. This has much to do with the humane and sustainable part of return and readmission which, as we have discussed, is rarely taken into account when evaluating return policies. It is important, however, to bear in mind that the number of return decisions for Balkan nationals has decreased dramatically over the last 15 years.

Some countries in the EU neighbourhood can also be classified as best practice. Georgia was the most frequently cited example of good and smooth cooperation between officials from the Ministry of Justice, the SMA and the Police. Communication with the embassy and national authorities is described as excellent by all parties. The country is interested in closer diplomatic relations with Sweden and the EU. There is also a growing interest in legal migration channels as their citizens seek new labour markets. Interests do not only lie in migration matters, as there is a stated intention to have broader cultural and commercial exchanges. Cooperation on return and readmission is seen as a way to move closer to Sweden in other areas, a proper perspective for migration diplomacy. Although it is difficult to generalise, in most of these cases there is a history of cooperation that goes beyond the implementation of return decisions and covers areas other than migration. All these states have also been able to adapt their readmission procedures, taking into account their young administrative systems but also the political will to move closer together. Finally, and perhaps more importantly, while some of these countries may

have some internal difficulties in consolidating their democracies, none of them has an ongoing armed conflict or sources of political instability. Migration diplomacy works, but in stable contexts it works more sustainably.

#### Potential for improvement

The need for technical cooperation and aid for development In some cases, return and readmission might not work perfectly from the perspective of the diplomatic missions, but there is a desire for further cooperation. In certain cases, cooperation might not be optimal, but the countries of origin are open to finding solutions. Some of them have developed their own domestic tools to facilitate readmission.

A potential factor leading to improved cooperation is the establishment of stronger and deeper relations with countries that are recipients of significant numbers of returnees. One example of this is Mongolia, which has a desire to come closer to Sweden, citing not only common interests but also a history of cooperation with Sweden. Mongolia is rarely mentioned by the press as a country of origin for many returnees. However, according to SMA statistics, the country is ranked 8<sup>th</sup> among those receiving a return decision in 2023.

Although SIDA contributed to the transition to democracy in Mongolia, this aid stopped in 2011. There isn't [a] Swedish presence in Mongolia. The registered companies are scarce, and the diplomatic activity is practically inexistent. Our citizens need to travel to China or Russia to manage travel permits...

Representative, Embassy of Mongolia

The diplomats interviewed also deemed other aspects worthy of attention and imitation. For example, a representative from a Caucasus country talks about the challenges and opportunities in his region, which is rapidly developing and considers a Nordic model to be a source of inspiration.

Although Sweden had sought cooperation with countries in the Caucasus and Central Asia, there is much to be done. The case of Uzbekistan is interesting. Previously described as problematic in the area of return due to the large numbers of irregular citizens in Sweden (see Malm-Lindberg, 2020), Uzbekistan has invested in a better relationship with Sweden. The country decided to open an embassy in Stockholm in August 2022. Sweden is currently engaged in negotiations towards a bilateral readmission agreement with Uzbekistan. Still, there is much potential that goes beyond the issue of return. Uzbekistan is a country that welcomes cooperation in order to achieve better development for their citizens, which indirectly affects irregular migration: We have a good political cooperation. We are prioritizing trade and economic questions. Our trade now does not match our potential – and we want to cooperate with Sweden in the area of innovation and health care. Our government is paying more attention to green economy.

Representative, Embassy of Uzbekistan

As in the case of Uzbekistan, in most of the cases there is a need to forge closer relations, not only from the perspective of return migration. From the perspective of migration diplomacy, migration flows are used to achieve other diplomatic goals. In the case of Sweden and given the importance of return migration on the political agenda, other diplomatic objectives are pursued to ensure the effective return of individuals to their country of origin. The existence of room for improvement generates other needs beyond effectiveness in implementation. Improving the conditions for readmission and reintegration could promote a more humane and sustainable environment for returnees. Development assistance, and tailored cooperation programmes, should be placed in a broader context than the mere implementation of return decisions. Therefore, possible solutions to improve cooperation on return and readmission must take into account the specific conditions of countries of origin and the real possibilities of fulfilling the expected leverage.

#### The difficult but unavoidable cases: Iraq and Afghanistan

The cases of Irag and Afghanistan are special in several respects as section 5.1.1 showed. Firstly, in terms of numbers, they are at the top of the list of countries of origin receiving return decisions. In both cases, there is a significant rate of involuntary return (see Appendix 3). In this sense, these are unavoidable cases. The large number of decisions that have not been implemented reflect the difficulties faced by the Swedish agencies in repatriating individuals who no longer have a right to stay in Sweden. This directly affects the return rate and the image of the effectiveness of Swedish return policy. Secondly, these are very difficult scenarios for return and, especially for Afghanistan, the prospects for reintegration are low to nonexistent. Thirdly, there have been a number of strategies deployed over the past decade to approach both governments for cooperation, including memoranda of understanding and considerable political and diplomatic efforts to secure cooperation on the return of Iragi and Afghan nationals. However, these two cases show very clearly that conditionalities can only be used with some leverage if conditions are stable. Moreover, and perhaps more importantly, the conditions offered to returnees may not be sustainable over time.

In this sense, it is not enough to have a set of positive or negative conditionalities, which may be appropriate for a specific time and political context but are not sustainable over time. Although return migration is one of the pillars of a strong and coherent migration policy, especially for asylum systems, it is important to analyse whether the goal of effectiveness is worthwhile in cases of high instability – which affects sustainability and, moreover, the great vulnerability of returnees – which affects the dignity of individuals who receive a return decision. Previous research shows that returnees are more likely to consider remigration if they see no prospects for reintegration (Vera Larrucea, Malm Lindberg and Asplund 2021). Strategies in relation to these countries must therefore be implemented within a time-specific context. It is not feasible to maintain long-term return strategies in countries with changing conditions and unstable political and social environments.

#### Special cases: The 'no readmission' countries

In our preliminary interviews when planning our fieldwork, four countries were frequently mentioned as being difficult, if not impossible, to return citizens to because there is virtually no possibility of enforcing a return decision by force in these countries. Four cases in particular were mentioned by our interviewees in the Police, the SMA and the Ministry of Justice: Somalia, Iran, Lebanon and Cuba. The reasons for non-admission vary considerably, but they all have something in common. These states do not readmit citizens who are unwilling to return, i.e. forced or escorted returns.

As we discussed in Chapter 2, international norms require states to readmit their own citizens, but they also have the right to decide who enters their territory. Sometimes this applies even to their own citizens. These people may be considered dangerous, they may have lost the right to be called citizens, they may be considered dissidents or simply not recognised as nationals. However, these political arguments are not the only reasons for strict or nonexistent readmission policies. Structural and logistical constraints may also play a role.

This is the case in Cuba, the only representation in this category that agreed to participate in the study. The number of Cubans who have received a return decision from the Swedish agencies is not high (427 in the last ten years). However, the country was often mentioned by Swedish agencies as a country of no readmission. Although we heard during our interviews at the SMA and the Police that Cuba does not take back its citizens, this is not the answer we received from the embassy. Cuba does not take back citizens who do not wish to return. Because of the complicated bureaucracy, the returnee must voluntarily apply for readmission. A Cuban representative described the system as follows:

There is no legal instrument between Sweden and Cuba which allows Cuban citizens deportations. If people don't want to return, we can't force them to do it because it goes against the most basic human rights. On the other hand, if they want to return to Cuba, they must meet the requirements to request a Repatriation process. According to the conditions stipulated in the 1976<sup>71</sup> Immigration Law, these requirements are: valid Cuban passport, two passport photos, a written request, a consular fee and to certify that he/she have a place to reside.

Representative, Embassy of Cuba

The Cuban Ministry of the Interior is responsible for making a decision on the application. Under these conditions, involuntary return is practically impossible. When asked what would be necessary to readmit Cuban nationals who do not wish to return from Sweden, a representative of the embassy said the following: "We would need a proper regulation so that we know how to proceed." Members of the diplomatic mission mentioned cases where they have tried to reason with their nationals to voluntarily return to Cuba and apply later for a legal residence permit in Sweden. However, in many cases they are unsuccessful because the individuals have been living in Sweden irregularly for several years and have put down roots in the country.

Cuba has previously negotiated readmission agreements, notably with the United States. There has been a notorious exodus from the island to the USA. These migratory movements have led two countries with no diplomatic relations to negotiate the fate of Cuban nationals who had no legal right to remain in the US. In 1984, 1994, 1995 and 2017, Cuba and the US negotiated the readmission of people, with the aim of discouraging people from making dangerous journeys by sea, as part of the wet-feet-dry-feet policy, and ultimately as a way of re-establishing diplomatic relations. The agreements have worked to varying degrees. Although one might wonder whether the country is reluctant to readmit potential dissidents, we find reason to believe that there might be an openness to future readmission agreements if there is a political will to commit to them. Looking at Cuba's readmission policy with the United States, it is possible to see a precedent for political and operational

<sup>&</sup>lt;sup>71</sup> Immigration Law 1976. Decree Law modified in 2012. Decree 2023 modifying passport duration. A specification of Article 24. Two assumptions that have exceptions.

efforts in the area of readmission, although the significance of the US is far greater than of Sweden for Cuba.

Lebanon was also frequently mentioned in our interviews. Swedish officials mentioned that the problem not only concerns cases where a Lebanese citizen is reluctant to return. Third-country nationals who have received a return decision from the SMA with a legal residence permit in Lebanon are very difficult to deport. The SMA has even presented the cases of stateless Palestinians who were previously legal residents of Lebanon, but who have no legal right to stay in Sweden where they had applied for asylum.

We made several attempts to contact the Lebanese Embassy, but these were unfruitful. Nevertheless, we received information on this case from the embassy coordinators at the SMA, who described Lebanon as:

One of our most difficult countries. They say they are open to receiving our cases. But their answers take a very long time. [In] 2015 [it] was a "working country" ...travel documents were issued but there was [a] long waiting time. But still, it was working. In the past, the routines have worked well. But overall, it has been difficult for us to know which approach works best. We know that the government has started with a strategy around Lebanon.

Representative 3, Unit for return coordination, SMA

Although Lebanon is not one of the top ten countries in terms of return decisions (over 3,300 cases in the last ten years), the unpredictability of cooperation has meant that Lebanon has often been on the agenda of the SMA. In this particular case, several strategies have been applied over the years. However, the cooperation was not sustainable.

Two other 'no readmission' countries are Somalia and Iran. We often heard about Somalia and the impossibility of implementing return decisions by force. At the time of our fieldwork, there was no diplomatic mission in Sweden that we could approach. In the last ten years, Somali nationals have been the fourth largest group of recipients of return decisions. The number of implemented return decisions for this group is low. The country has no apparent cooperation channels for enforcing forced returns. Although we heard about conversations at a political level, we have no data to go deeper into this case.

At the beginning of our study, we considered Iran as an interesting case. Iran is the eighth largest group of citizens who have received a return decision in the last ten years. As of April 2024, almost 9,000 people have been ordered to leave Sweden. However, the country is rarely mentioned. The Police and the SMA exhibit a kind of resignation when asked about Iran. Notably, Iran was never mentioned in our interviews with officials from the Ministry of Justice and the Ministry of Foreign Affairs. The Iranian Embassy was contacted by email and post as part of the research, but no response was received. Therefore, we have no data that allows us to fully understand the challenges in the field of return for this particular case.

What could Sweden do to improve cooperation with these countries? Each case within this category seems to be unique. Individual strategies may be necessary. From the perspective of migration diplomacy, the question is what the Swedish state can offer to ensure that countries fulfil their international obligation to readmit their citizens. Forced returns could entail high political costs for the countries concerned, albeit for very different reasons.

Cuba would need a new law, which could have consequences for former Cuban citizens in other countries. Somalia is a country that relies heavily on remittances from its diaspora, although the reasons for not accepting forced returnees may be more complex and varied than reliance on remittances. Historically, Lebanon has been a refugee host country and its own problems with protracted situations may explain the lack of priority given to the readmission of individuals who have received decisions ordering their return to the country. All of these countries have complex situations that make it difficult to prioritise readmission in the context of forced returns. What could be the carrots to encourage cooperation? It seems very unlikely that Sweden alone will be able to open the door to readmission. Migration diplomacy proves hard to execute in the specific countries analysed in this section, which have a baggage of international sanctions, making it difficult to negotiate other aspects - like aid to development - that could be used to deter, or facilitate the readmission of, irregular migrants.

Although it might seem very difficult to achieve an outcome when looking for readmission in these cases, cooperation is not completely impossible. Cuba does show a will to understand Swedish regulations and, according to our interview at the Embassy, there is an intention to explain these regulations to citizens with a return decision. The Police have also tried to establish a closer relationship with Cuban authorities. The ARLO project had a five-week deployment in Havana during March 2024.<sup>72</sup>

Somalia seems to be a complicated case, but we have knowledge from Norway about enforcing returns. However, Sweden's resources are different from

<sup>&</sup>lt;sup>72</sup> Source: NOA, Swedish Police Authority.

other countries; there is a limit as to how much political resources can be invested and the caseloads are significantly different. There is also a very important perspective based on human rights and the factual possibilities for reintegration after return. As in the previous cases, the 'unavoidable cases', it is necessary to assess the humane nature of returns and the prospects of reintegration in countries that are close to cooperating with forced return. This should be taken into account when developing future strategies. These specific cases raise the need for a flexible strategy that may not have an immediate impact. A balance between compliance, readmission capacity, and reintegration opportunities should guide future strategies.

# 8. Conclusions and Recommendations

# 8.1 Studying return and readmission from the perspective of the country of origin

Return and readmission have mostly been approached in academic studies from the perspective of the host country and the experience of individuals after returning to the country of origin. Approaching return from the perspective of cooperation between the host country and the country of origin provides a new perspective. In some cases, it highlights particular strategies and segmented areas. In other cases, our material reveals the way in which return is intertwined with other policy areas that define the relationship between two countries. We have also found that in Sweden, the management of return has slowly broadened its efforts, using the different strategies of migration diplomacy. From the perspective of agreements, countries of origin have traditionally been seen as the weaker party in an asymmetrical relationship. Countries of origin usually incur high costs in receiving people who do not want to stay in the country. Countries wishing to return irregular migrants are able to offer a range of carrots to change the willingness to cooperate. However, we find that this asymmetry can change in terms of the power that the urge to return irregular migrants generates. The country refusing to readmit individuals sometimes acquires considerable negotiating power. This is especially the case when return is a priority on the political agenda and individuals who do not want to return receive attention from the media and civil society. Sweden seeks cooperation from countries of origin and in certain contexts important concessions are made. Such negotiations respond to the need to ensure a consistent migration policy where legality is respected, and irregular migrants are returned.

Within this perspective, the concept of migration diplomacy proved useful for the purposes of our study. By being rooted in traditional international relations, it points to states' interests in absolute and relative gains as a means of examining states' negotiation strategies (Adamson and Tsourapas 2019). The concept reaches a political domain, but also affects the operational activities within migration control. In our empirical material, we collected experiences on these very operational activities, reflecting the practical implications of this bargaining within migration policy. Moreover, this bargaining takes place even when there is no formal agreement (Morocco) or when the existing agreement does not work (Iraq). The efforts invested in negotiating the facilitation of readmission thus take on a political and/or more operational level.

#### 8.2 Tools within return: Ad hoc and temporary

One of our research questions dealt with identifying the existing instruments for cooperation with foreign authorities. We also sought to examine how these tools, which include bilateral and multilateral cooperation (both formal and informal) can promote more effective cooperation around the return of persons who do not have a legal right to stay in Sweden.

In our discussions with Swedish government agencies and diplomatic missions based in Sweden, we identified both traditional and non-traditional tools. One key conclusion is that no single form of cooperation works for all countries, as each has its own specific needs and approaches migration differently. Three case studies discussed in Chapter 7 show that political approaches to readmission negotiations are far from homogeneous. The whole-of-government approach that the current Swedish coalition government has made its hallmark was in fact the strategy used by the previous government in its negotiations with Morocco. There is a tradition in Sweden of focusing on one country that is considered important to include in an agreement. This generates ad hoc strategies that consider each case at a particular time. However, we do not see that the efforts in these strategies are sustained over time. While they have led to success in the immediate context cooperation over the long term was not sustained. Strategies and instruments are used in the face of pressure from visible irregular migration, which challenges the legitimacy of the migration regulations in Sweden.

Another important finding concerns the role of readmission agreements as policy instruments. Agreements are signed bilaterally or through the EU and have an initial positive impact on cooperation on returns. When they are linked to EU processes of visa liberalisation or even EU candidacy, the agreements are sustainable in their effectiveness. However, in the three study cases of Iraq, Afghanistan, and Morocco, we see that after initial success in cooperation, it is difficult to maintain the agreements in the long term. The thorough political work invested in these agreements ceased as soon as there was an instrument (an agreement, formal or informal) that could reduce uncertainty in the implementation of return policies. However, migratory movements from countries with unstable political situations are difficult to predict and readmission cooperation may become more expensive or less attractive for countries of origin. This shows that conditionalities imposed for an expected leverage effect may not always be met. Although agreements are signed to reduce uncertainty, as we discuss in our theory chapter, there is always the possibility of a change in scenario that makes compliance difficult or impossible (Koremenos 2005). The costs and benefits of cooperation on readmission could be upset by changing circumstances in countries of origin, reducing the chances of compliance (Cassarino 2010, 9). Therefore, in the absence of sustained political work within migration diplomacy, there is no certainty of cooperation. If large numbers of irregular migrants whose asylum claims have been rejected, where the domestic situation in their country of origin remains inhospitable, the expected scenario will be a manifest unwillingness to return. If there is no sustained political dialogue and few incentives to cooperate, very little can be done to implement return decisions. The tools must be adequate for a scenario in which the needs for protection could suddenly change because the situation in the country of origin makes persons previously subject to a return decision eligible for asylum.

Other operational tools such as EURLOs or delegation visits could eventually lead to more sustainable cooperation. However, these have not been included as permanent functions in the government agencies responsible for return in Sweden. The growing field of extraterritorial migration management has not been systematically implemented by Sweden. Liaison officers, who play an important role as knowledge brokers and bridge-builders between the authorities, have yet to become more stable figures at the national and EU level. Liaison officers are sometimes able to address minor but important aspects of readmission. Although they may not always be able to overcome the way they are perceived – conditioned by their nationality – they do offer advantages when approaching national authorities in foreign countries.

A third tool described in the report, delegation visits, are usually initiated by external partners. International organisations or national governments request a visit to Sweden in order to gather information and learn about the situation of their nationals who are in an irregular situation in Sweden. These visits can go a long way towards raising awareness and opening doors for political dialogue.

# 8.3 The non-uniform role and function of diplomatic missions

As Chapters 6 and 7 have shown, there is no single and uniform way in which embassies deal with returns. In most cases, the role focuses on facilitating consular services by providing travel documents and, in certain cases, proper identification of the returnee. In the most critical cases, the embassy is also responsible for explaining the reasons for non-compliance with an agreement. Diplomatic missions then have both a political and an operational role.

In addition to issuing travel documents and sometimes providing mechanisms to identify the individual, the role of embassies in the return process may include ensuring that the return is voluntary (and/or that the readmission is within the law and that the returnee understands the assistance to which they are entitled). Although not all embassies emphasised this point, it reflects a duality of function that could become problematic. In our data, we were able to identify a tension between the role of representatives of a state to ensure cooperation with the Swedish agencies, but also a role to protect the interests of their citizens. Diplomats should cooperate and act as a bridge between the Swedish agencies and the country they represent, however the return decisions are sometimes perceived as being against the best interests of their citizens. Here, the role of protector of their nationals takes precedence over the traditional role of mediator.

In relation to the previous point, we observed a difficulty in understanding two particular characteristics of Swedish government agencies: the independence of their role, and the restrictions on sharing of information due to data protection rules. This was most evident when the consular sections in the embassies were asked for help by nationals who had a problem with the law in Sweden. The difficulty in determining who is responsible for what and the lack of access to information made it difficult to fulfil this role.

An important finding from the perceptions of the diplomats interviewed is that cooperation and coordination in the field of return and readmission should not be limited to considering diplomatic missions as producers of documentation and for the identification of citizens. Foreign representatives express a desire firstly to develop closer relations with the Swedish agencies, and secondly to know more about the people returning to the countries they represent. The latter point ranges from statistics to planned return trips, as well as contact with potential returnees to assess their needs. Assistance to nationals in the return process can range from consular services to legal advice to visits to detention centres. If a diplomatic mission has little or no information about the number of nationals who receive return decisions, their willingness or lack of willingness to comply, the number of absconders, etc., it is difficult to estimate the resources needed to cooperate with the Swedish agencies and to assist returning nationals. Although returnees, especially asylum seekers, may not want to receive attention, our interviews revealed that individuals do contact the embassy when they feel they have been treated unfairly or when they need certain basic services, such as legal advice or contact with their families in their country of origin.

The Swedish agencies may have well-founded reasons for not disclosing personal information on returnees related to secrecy and the privacy of the individual. However, general statistics on return decisions and their outcomes are public. The rights of people who are in an irregular situation in Sweden, who are detained or who have lost their final appeal, can also be known by accessing public documentation. In all these areas, better access to and understanding of information is needed.

Another important finding of this study is that diplomatic missions have different perceptions of their role. Although classical diplomacy assigns them the role of mediators, in practice many of them take on the role of protectors, safeguarding the rights of their nationals. The Swedish agencies should therefore consider a differentiated approach to diplomatic missions but still offer the same opportunities to gain insights into Swedish migration regulations and working methods. There may be a series of conditionalities established in a readmission agreement or memorandum of understanding. However, if these are not grasped by the diplomatic representations, it is difficult for cooperation to run smoothly. Migration diplomacy should be undertaken so that all parties have the same knowledge and understanding of, in this case, the Swedish return system.

Finally, one of the most recurrent findings during our interviews was that the information that diplomatic missions have about Sweden's rules and the roles and responsibilities of the government agencies is insufficient for them to manage migration-related issues effectively. The lack of information about who is responsible for what can lead to bottlenecks and delays in solving operational problems. Although not all of these are related to return and readmission, they are related to migration issues such as visas. Such problems in understanding, contacting or communicating information on migration-related issues may affect trust and the willingness to cooperate on returns. It is not clear who is responsible for informing diplomatic missions about changes in legislation, contact points or practicalities in the management of migration procedures.

However, it would be desirable to have ongoing information meetings with the representations and to designate a central figure to connect embassies with relevant actors within the Swedish authorities.

# 8.4 Segmented efforts in a comprehensive policy area?

At the beginning of this study, we mentioned that although return has been high on the political agenda for some time, it is only recently that policymakers have started to pay more attention and diversify their efforts in this area. Under the umbrella of 'combating' irregular migration and protecting the coherence of migration policy, the current Swedish Government has increased its efforts to implement return decisions. However, we see that most of the instruments are either recycled from previous efforts or are formulated as transitory, thus acquiring a temporary character. Return, as the act of removing people who have no legal ground to stay in the national territory, should not be seen as an occasional or temporary measure within migration management. The need to ensure greater cooperation should become a permanent task for the authorities responsible for implementing migration control policies.

Migration issues have historically been included in other policy areas internationally (Lavenex and Fakhouri 2021). Today, migration, and in particular return and readmission, has become more prominent. States have realised that it is very complex to return irregular migrants without the help of the authorities in the country of origin. The use of migration flows as a diplomatic tool to achieve diplomatic goals has led to the emergence of migration diplomacy (Demiryontar 2020). We see that for Sweden, cooperation in the return process requires a more comprehensive strategy, learning from previous experiences, taking into account the specificities of each case, but also having a long-term strategy, where return and readmission are not particular and exceptional processes in Swedish migration history.

Migration policies are bound to governments and specific coalitions within a state administration. When governments change, the incentives to internalise conditionalities and comply with a readmission agreement may also change. A major incentive, such as the promise of accession to the European Union or the recognition of an important territory as part of a state, is needed to ensure continued compliance with readmission. In the absence of such an incentive, or when it is no longer sufficient to offset the costs of readmission, and in view of the political instability of the countries of origin that generate the largest number of return decisions, a sustained effort at return under cooperative conditions is desirable. Migration diplomacy responds to many of these factors.

It is important to bear in mind that migration diplomacy refers to a broader strategy in which migration may not be the central issue to be negotiated between two states. Indeed, cooperation on readmission is rarely isolated from cooperation in other areas (Cassarino 2017). Most strategies are surrounded by efforts in different fields. It would be naive to think that successful cooperation on return and readmission will not be reflected in, or even stimulated by, other areas of bilateral or international cooperation. The focus of our study is on return and readmission, but a closer look at other aspects, such as development assistance or political partnerships, could shed more light on the reasons for successful cooperation. In this way, the factors that usually lead to policy failure in the migration field can also be addressed. Migration policies usually fail due to a number of factors such as ignoring domestic factors in countries of origin or relying on a short-term view of the migration process (Castles 2004). Return policies are no exception. Therefore, approaching return from a more comprehensive perspective could ensure a more lasting outcome.

Migratory movements are caused by a variety of circumstances. The nature of push and pull factors makes it almost impossible to completely eliminate uncertainty in international relations. Migration is a complex phenomenon. It is difficult to predict, control, and negotiate because migratory movements involve people being pushed and pulled in search of a safer and more prosperous life. This complexity requires flexible solutions, but also durable functions around return and readmission. As the 2018 Global Compact and the Swedish Government itself have formulated, return and reintegration in a safe environment are part of durable strategies. Policies and, above all, operational practices must be designed within this framework.

Finally, the return of individuals who have no legal right to be on Swedish soil must consider the legitimacy of migration laws, but also respect the human rights of the returnee. The responsibility of individuals after their readmission cannot be placed solely on the country of origin if the aim is not only an effective but also a sustainable and humane return process. Cooperation with foreign authorities should consider the best interests of the individual according to international law. But it should also be based on a realistic and flexible view of the chances of successful reintegration. In this sense, sustainability must be achieved as a policy objective and not in terms of migration movements. Considering sustainable reintegration as a low probability of return is a normative obstacle to the right to migrate. Migration cycles are undertaken by migrants, and it is them who have the right to decide – when the circumstances allow it – whether to remain in their country of origin.

#### 8.5 Recommendations

At the early stages of our study, we realised that there are two sides to return and readmission. One has to do with the decisions taken at a political level and the other with the more procedural and logistical aspects, which we call operational. Although these two aspects are interdependent, we can see that certain problems can be solved within one specific area. Some require less effort and resources than others, but all of them could contribute to more effective cooperation in the field of return and readmission.

#### **Operational level**

Within the operational level, a first recommendation relates to the need for an inventory of all return projects and activities undertaken by the SMA and the Police. Contrary to public perception or media information, considerable work has been invested in certain return instruments. A systematic evaluation of migration diplomacy tools should consider what works and for which cases. Those tools that promote coordination should be considered as permanent functions within the return chain, e.g. return liaison officers and delegation visits. While some may be general in nature, others could be focused on specific cases. Certain projects have produced interesting results, for example, liaison officers deployed in specific destinations. The knowledge and understanding of the country of origin gathered by a liaison officer might lead to better and more sustainable strategies that go beyond the goal of effectiveness in terms of large numbers of returns. This can contribute to more durable relations between the relevant agencies in Sweden and the country of origin. Therefore, liaison return officers should leave its status of pilot or project and become permanent functions within the SMA and the Police.

The SMA and the Police have criticised the level of cooperation and the time to respond offered by diplomatic missions when they are presented with return cases. We have learnt from our interviewees that in many cases this could be remedied by deeper and more frequent communication, which would not only ensure an exchange of information. The establishment of permanent channels of communication, in addition to embassy coordinators, could establish a more systematic and fluid dialogue between the different actors involved in the process. This is why we believe it is necessary to create a programme that establishes permanent communication channels with diplomatic missions. There is a need to continuously provide information about Swedish migration regulations and their amendments – which have been many in recent years. Therefore, continuous and official delivery of statistics is desirable, so that the embassies have a clear picture of the number of people who receive return decisions. How is it possible to ensure that return needs can be met by countries

of origin if they are not aware of the full picture? Statistics showing the scale of the number of returnees, data sharing that does not breach data protection rules, provide an incentive so that embassies can work more efficiently and also assess the resources they might need to assist returning nationals. Given the importance of return on the political agenda, basic knowledge about return and readmission should be shared throughout the SMA, the Ministry of Justice and the Ministry of Foreign Affairs, as well as with the authorities of the countries of origin. Early and relevant information should be provided to all diplomatic missions in order to ensure better cooperation.

Many embassies express a willingness to support the returnee but have no information as to whether they are in detention or when the return will be enforced. If the returnee receives information about support from their diplomatic mission and accepts that support, this could be a useful resource at such a difficult time in the returnee's life. Therefore, there is a need **to establish programmes in the best interest of the returnee**, which create cooperation between the embassies and combine the right of the Swedish government agencies to implement return decisions and remove irregular migrants with the duty of the embassies to protect the best interests of their citizens.

It is difficult for diplomatic missions to understand the division of roles between the Swedish government agencies and even within the same agency. A representative of the SMA should be able to answer all questions, according to some of our interviewees. On the other hand, an embassy coordinator once told us that "we need a crash course in diplomacy" (Representative 3, return coordination unit, SMA). It is difficult for diplomatic missions to deal with many requests and at the same time not receive a response from the same actor. It is therefore necessary to provide the return coordination units and other relevant officials at the SMA with the necessary resources, a diplomacy course, direct contact with new representatives and an intercultural communication strategy that goes beyond return decisions.

#### Political level

A first recommendation relates to the nature of the objectives behind a policy agenda. In our previous Delmi reports (Malm Lindberg 2020, Vera Larrucea, Malm Lindberg and Asplund 2021) we have come across the goals of implementing returns in an effective, humane, and sustainable manner. However, effectiveness has been at the core of policy implementation. Moreover, effectiveness has been seen as the implementation of large numbers of return decisions. We see that this remains problematic as it does not take into account the scale of the problem. We call for a **redefinition of the goal of effectiveness** to include not only 'how many' but also 'how' are they being returned. At the same time, the goals of a humane and sustainable return cannot be achieved by simply ensuring the return of large numbers of people who have no legal right to be in Sweden. There is an implicit normative attitude to the situation after return when talking about 'sustainability'. However, if the attitude only considers the 'removal' of individuals, the goal is not achieved. There is a lack of reasoning and an official position on these aspects. Hence, our recommendation is to **reflect on and redefine the aims behind the efforts made in the name of return policy**. A clear formulation of the objectives - in line with EU standards - will contribute to better implementation, communication and follow-up of the policy results.

We learned that sometimes readmission agreements, formal or informal, are signed after a significant investment of political, economic, and diplomatic resources. But efforts targeting countries of origin should not stop when a readmission agreement is signed. Our analysis of the work behind bilateral agreements shows that, with the exception of the Balkan countries, they tend to work only for a short time after they are signed. But then the cooperation of the foreign authorities becomes 'less enthusiastic' or ceases. Bilateral agreements, whatever form they take, should be followed up and properly evaluated. Initially, cooperation may improve, but over time, a long-term strategy is needed. Following our criticism of effectiveness, the evaluation of the results of the agreements should not only be done in quantitative terms, such as return rates, but should also take into account changes in the capacity of countries of origin to comply with an agreement. Some guestions that could be used to support monitoring and evaluation are: Does the country of origin have the technical and logistical resources for readmission? What could be done in this respect? What has been done to ensure the smooth reception and reintegration of returnees? Are the conditionalities established in the agreement workable in the current context?

Distinguish between general and ad hoc incentives when designing policies targeting countries of origin. At the multilateral level, neighbourhood policy instruments work for some countries. Others need a different kind of incentive. Incentives for effective cooperation should consider the capability and feasibility of a country to readmit its citizens. The resources of countries of origin vary considerably. For some, political dialogue may encourage readmission, while others may require significant investment in technical capacity. Meanwhile others may not offer the necessary conditions for reintegration.

Design a long-term strategy for the management of return migration. So far, most of the efforts to ensure cooperation on return have been focused on specific cases and are directed towards countries with a significant number of return decisions. Given the instability of certain regions and the vulnerability of their populations, as well as the pulling power that many diasporas established in Sweden may have, there is a need for a long-term strategy for returns. The strategy must look at effectiveness not only in terms of numbers, but also in terms of willingness to cooperate, ensuring the dignity of returnees in the process, and a certain degree of flexibility. A country that readmits a large number of returnees may suddenly become inhospitable, and its citizens could suddenly have grounds for asylum. In this sense, the asylum system should take into account the risk of a state losing its status as a 'safe country'.

Although return policy must be drawn up on long-standing terms, incentives and tools must adequately address the specificities of the country of origin. Our analysis showed that there are no one-size-fits-all solutions, although there are some commonalities between the countries included in this study. The recommendation then is **to design a strategy for similar cases**. This could be formulated with the following questions in mind: What is the status of return decisions for a number of countries, how many cases, willingness to return, sources of irregular migration, willingness to cooperate? Possibilities for reintegration?

From a perspective of migration diplomacy, we have seen that cooperation in return and readmission does not occur isolated from other policy areas. Good bilateral relations have a positive impact in this cooperation. Therefore, our recommendation is to **integrate return into broader strategies in bilateral relations** with countries of origin, aligning it with other policy areas. Here it is important to identify those countries seeking closer ties with Sweden and the EU, who may be more willing to cooperate if their concerns are addressed.

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### **Appendix 1**

# Master questionnaire to diplomatic missions in Sweden

#### Questions to the representation of xx in Sweden

#### Introduction and Context

The Migration Studies Delegation (Delmi) is an independent government committee that initiates studies and supplies research results as a basis for future migration policy decisions and to contribute to public debate. On 1 February 2023, Delmi launched the project "Return as International Migration Policy: Coordination Within and Across National Borders."

Within the framework of the project, Delmi will study collaboration and cooperation within and across national borders related to the implementation of return policies. The aim is to increase the capacity of Swedish and international actors as well as voluntary returns. The project is funded by the European Asylum, Migration and Integration Fund (AMIF) and consists of three substudies. The first sub-study focuses specifically on how cooperation within and between Swedish and foreign authorities is achieved, organized, and maintained in the return and readmission process. The study aims to identify how diplomatic tools as well as national and bilateral cooperation, both formal and informal, can promote a more effective, sustainable, and humane return of individuals who do not have a legal right to stay in Sweden. The purpose of the interview is to gather information and knowledge that can contribute to this goal.

Prelude Role and function at the Embassy Could you briefly describe your work here at the Embassy?

How long have you been working here in Stockholm?

Swedish-XX Partnership Broader Partnership Overview When were diplomatic relations between Sweden and XX initiated?

Which year was the Embassy established in Stockholm?

From your perspective, what are the key areas of cooperation between Sweden and XX?

#### **Shared Goals and Priorities**

In the context of migration, security, development, and diplomacy, what common goals and priorities would you say Sweden and XX share?

Migration from XX to Sweden Migration in general terms

Could you tell us about migration from XX to Sweden in general terms?

Could you give us an overall picture of the repatriation/return of XX nationals from Sweden?

#### Reasons for XXn Nationals Staying Without Valid Permits

Based on your expertise, could you elaborate on the reasons why XX nationals might stay in Sweden without a valid permit? Are these cases primarily overstayers?

Do you have access to any relevant statistics or trends in this regard?

#### **Return and Readmission Efforts**

#### **Return and Reintegration Management in XX**

Can you provide an overview of how readmission and reintegration of XXn nationals is managed within XX?

Which are the main competent authorities responsible for these processes?

#### Role of Embassy and Consular Sections in Return and Reintegration

Within the context of return and reintegration, what roles do the embassy and consular sections play?

How do they contribute to facilitating the process for individuals returning to XX?

Throughout the return and readmission process, how does the embassy prioritize the best interests of XXn citizens? What considerations and factors guide decision-making to ensure a sustainable and humane return process?

#### Interaction with Swedish Migration Agency

Do you maintain contact with the Swedish agencies like the Swedish Migration Agency, Swedish Police Authority and/or Ministry of Justice and Ministry for Foreign Affairs?

What are the primary issues typically discussed during these conversations?

#### Successes and Challenges in Cooperation

In your experience, what aspects of the cooperation between Sweden and XX regarding return and readmission have proven to be particularly effective? Are there notable successes you can highlight?

Additionally, are there areas that still need improvement or further attention?

#### The Role and Function of Bilateral Readmission Agreements Bilateral vs. Multilateral Agreements

As far as we know XX has signed (a) readmission agreement(s) with YY in [year]. Are there any other bilateral readmission agreements signed by XX?

Does XX have a readmission agreement with the EU? Do you know anything about the origins of the agreement?

In terms of managing return and readmission, what specific needs or challenges does XX face that require cooperation and support from countries like Sweden?

How could such cooperation assist XX's efforts in this area?

#### Closing

#### Appreciation and Next Steps

Express gratitude for their insights and time.

Mention how their insights will contribute to the study's objectives.

#### **Contact Information**

Request permission to follow up with any further questions or clarifications that might arise from the interview.

# Appendix 2

### Table A1. Top 20 nationalities receiving return decisions form the Swedish Migration Agency, 2023

Nationality	Total
Iraq	2422
Afghanistan	2095
Iran	853
Uzbekistan	733
Pakistan	489
Russia	484
Somalia	474
Mongolia	461
Turkey	442
Colombia	438
Ethiopia	396
Ukraine	387
Albania	375
Nigeria	331
Bangladesh	327
Syria	319
Stateless	289
Azerbaijan	278
Lebanon	277
Georgia	260

Source: Adapted from raw data on issued return decisions, Swedish Migration Agency (SMA).

# Appendix 3

#### Table A2. Return decisions by output. Special cases: Morocco, Afghanistan, Iraq

		Afghanistan			Iraq			Morocco	
	Voluntary	Absconded	Escorted	Voluntary	Absconded	Escorted	Voluntary	Absconded	Escorted
		Police	Police		Police	Police		Police	Police
2004	113	75	30	650	148	39	29	23	4
2005	94	21	8	471	96	25	27	17	3
2006	52	20	5	207	194	37	20	6	3
2007	64	137	339	871	809	716	21	19	9
2008	55	79	280	1,694	698	686	31	15	15
2009	57	219	208	2,385	1,131	1,665	41	15	23
2010	115	185	144	1,523	989	1,598	25	25	21
2011	164	188	258	741	360	651	43	34	13
2012	367	450	592	578	320	411	65	81	45
2013	328	513	639	428	238	253	99	118	65
2014	220	393	280	319	242	209	133	197	71
2015	199	381	173	911	290	223	111	184	113
2016	2,158	504	252	3,639	543	182	94	173	72
2017	1,194	1,090	301	1,338	589	197	124	165	68
2018	1,441	1,687	763	1,262	855	346	94	117	46
2019	935	1,506	651	867	677	143	102	123	45

		Afghanistan			Iraq			Morocco	
	Voluntary	Absconded	Escorted	Voluntary	Absconded	Escorted	Voluntary	Absconded	Escorted
	-	Police	Police	-	Police	Police	-	Police	Police
2020	914	1,102	383	647	458	34	76	77	25
2021	402	341	154	594	416	43	52	65	19
2022	135	174	39	488	335	19	67	79	22
2023	290	217	19	586	763	188	77	65	12

Source: Adapted from raw data on issued return decisions 2004-2023, Swedish Migration Agency (SMA).

# Appendix 4

### Table A3. Return decisions 2004-2023. Top ten countries by outcome category

Citizenship	Voluntary return	Absconded (Police case)	Forced return (Police case)	Total
Iraq	20,199	10,151	7,665	38,015
Serbia	16,771	5,267	2,396	24,434
Afghanistan	9,297	9,282	5,518	24,097
Somalia	4,487	9,871	2,718	17,076
Kosovo	6,480	3,115	2,037	11,632
Syria	5,715	4,137	1,520	11,372
Russia	5,768	3,210	2,382	11,360
Albania	7,621	2,017	1,376	11,014
Iran	4,841	2,889	2,729	10,459
Mongolia	3,617	4,920	414	8,951
Total	84,796	54,859	28,755	168,410

Source: Adapted from raw data on issued return decisions, Swedish Migration Agency (SMA).

# List of previous publications

Report and Policy Brief 2014:1, *Radikala högerpartier och attityder till invandring i Europa*, Mikael Hjerm and Andrea Bohman.

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Report and Policy Brief 2017:6, *Invandring i medierna – Hur rapporterade svenska tidningar åren 2010-2015?*, Jesper Strömbäck, Felicia Andersson and Evelina Nedlund.

Report and Policy Brief 2017:7, *Valdeltagande och representation – Om invandring och politisk integration i Sverige*, Pieter Bevelander (red.) and Mikael Spång (red.).

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Policy Brief 2024:7, *På flykt från Rysslands anfallskrig i det transnationella Europa: Mottagandet av skyddssökande från Ukraina i Sverige*, Oksana Shmulyar Gréen and Svitlana Odynets.

This report is the first in a series of three studies within the project "Return as International Migration Policy: Coordination Within and Across National Borders," funded by the Asylum, Migration and Integration Fund (AMIF).

In recent years, the enforcement of return decisions for individuals without legal permission to remain in Sweden has become a prominent issue on the political agenda. This report sheds light on the roles, responsibilities, and perspectives of diplomats and embassy staff involved in the return and readmission processes, while also examining the challenges and strategies to enhance cooperation between Sweden and countries of origin. The findings highlight major challenges and offer actionable recommendations for improving collaboration between Swedish authorities and diplomatic missions, addressing both the political and operational dimensions of this cooperation.

The report was authored by Constanza Vera Larrucea, PhD in political science and research coordinator at Delmi, and Iris Luthman, MA in political science and research coordinator at Delmi.

The Migration Studies Delegation is an independent committee that initiates studies and supplies research results as a basis for future migration policy decisions and to contribute to public debate.

