

Summary

The lesser of two evils

Factors determining the intentions to stay or to repatriate among asylum migrants who have or will soon have exhausted all legal remedies

Background

Asylum migrants who have exhausted all legal remedies – including both asylum migrants whose applications have been denied, and former asylum seekers who are holders of a temporary residence permit for asylum that has expired – must leave the Netherlands. Anyone who does not ‘voluntarily’, risks a forced removal from the country. (In this study the term ‘independent return’ is preferred over ‘voluntary return’, as the latter term neglects the mandatory character of the return decisions that are being studied). Previous studies have shown that independent return is often problematic; there are indications that a considerable minority of the asylum migrants who have exhausted all legal remedies remain in the Netherlands as illegal immigrants.

Both in the Netherlands and elsewhere, theories are being developed that may help explain why a certain percentage of asylum migrants returns independently when they no longer have a right to legal residence, whereas others try to stay in the country where they applied for asylum. The relevant literature, however, is based on qualitative interviews among a limited number of respondents. There is a somewhat more extensive academic literature on the repatriation of labour migrants. Yet the extent to which the latter findings apply to asylum migrants remains unclear.

In this study, the presumed determinants of independent return among asylum migrants who have exhausted all legal remedies have been quantitatively tested for the first time. The aim of the study was to provide a deeper insight into the relative weight of a specific explanatory factor compared to other factors suggested. The study has paid attention to the *intention* to undertake independent return, to stay as an illegal in the Netherlands or – to a lesser extent – to migrate to a third country. Actual return behaviour has not been examined.

The occasion for the study was an evaluation of the European Refugee Fund (ERF) carried out by the Research and Documentation Centre of the Dutch Ministry of Justice (WODC) at the request of the European programme secretariat, which is placed under the Ministry of Justice. Through this fund, the European Commission has subsidized several projects in the field of reception, integration and repatriation of asylum migrants, among other things the project *Toekomst in Perspectief* (‘Future put in Perspective project’). That is a project of three regional divisions of *VluchtelingenWerk* (Dutch Council for Refugees, a Dutch NGO) in which asylum migrants who have exhausted all legal remedies (or those who are likely to be in that position in the near future) are offered the opportunity to have a series of talks about their future options, including return. In the context of the ERF evaluation, the relevant project has been evaluated more extensively as case study.

Hence the study comprises two parts: one part in which the determining factors of independent return are described and tested, and one part in which the above-mentioned repatriation project of *VluchtelingenWerk* is evaluated.

Questions and method

The questions underlying the study were as follows:

- How can we explain why some asylum migrants who have exhausted all legal remedies decide to return independently under pressure of the authorities in the country in which they applied for asylum, whereas others prefer other options, in particular staying as an illegal immigrant?
- What were the results and effects of the *Toekomst in Perspectief* project and – by implication – to what extent can the authorities indirectly exert influence on remigration decisions by subsidizing projects to NGOs such as *VluchtelingenWerk*?

These questions have been answered with the help of analyses of data gathered among 108 asylum migrants who have – or were likely to soon have – exhausted all legal remedies. They completed a questionnaire, which for the larger part consisted of closed-ended questions. The questionnaires had been translated into the main ‘asylum languages’ and were completed in face-to-face interviews, where necessary with the help of over-the-phone interpretation. Of the 108 respondents, 84 had never been granted a permit for asylum. They were recruited from various repatriation centres throughout the Netherlands. The other respondents (24) had a temporary residence permit for asylum (in six cases: they had possessed one in the past) and were living independently, i.e. outside of asylum reception centres. The respondents in the repatriation centres were recruited for the larger part with the help of the *Centraal Orgaan opvang Asielzoekers* (‘Central Agency for the Reception of Asylum Seekers’), whereas the other respondents were nominated by several regional divisions of *VluchtelingenWerk*. Among the 108 respondents, there were 25 individuals who had participated in the *Toekomst in Perspectief* project. With some of the latter respondents, the first of a series of talks for *Toekomst in Perspectief* was held during the research period. They completed the questionnaire twice, both before and after the series of talks.

Results in respect of the determining factors for independent repatriation

Approximately 80% of the 108 respondents proved to take a very negative attitude towards repatriation. They intimated that they had no intentions of independently returning within twelve months. A minority of about twenty per cent did not categorically rule out independent return within twelve months, while a few respondents really intended to return. In this respect, no differences have been found between respondents who had never been granted refugee status and probably had almost exhausted all legal remedies, and those who had been granted a temporary residence permit for asylum, whether currently valid or not.

At the same time, most respondents were also not enthusiastic about the alternative that in their view was the best attainable and least unattractive: staying in the Netherlands without permission from the authorities. They worried about access to health care and the options they would have, as illegal immigrants, to obtain housing and an income. As it was no option for most respondents to migrate legally to another country (which, where it concerns EU countries, is in fact true, given the Dublin Convention), many asylum migrants who had exhausted all legal remedies

seemed to feel that they had to make a choice between the lesser of two evils: compulsory independent return or staying in the Netherlands as an illegal immigrant.

As it turned out, the individual differences regarding the extent to which the respondents intended to return could be explained by the determinants mentioned in the relevant literature. It turns out that those determining factors must primarily be looked for in the following three spheres: (1) (the idea that asylum migrants have of) their life opportunities in the country of origin, especially in the field of social safety, (2) (the idea that asylum migrants have of) the life opportunities as an illegal immigrant in the Netherlands and the risk of forced removal from the country that is associated with illegal residence, (3) (the idea that asylum migrants have of) their health. Some of the presumed determining factors of repatriation, such as the migration motive and the perceived possibilities of circular migration found no or little empirical corroboration in the research group.

Most respondents proved to be seriously worried about the security situation in the country of origin. This fact seems to be the most important explanation in determining why so few respondents intended to repatriate. In fact, only individuals that were rather optimistic about the security situation in their country of origin were enthusiastic about repatriation. A related finding is that the difference in the security situation between the Netherlands and the countries of origin seems to be a much more important reason to stay in the Netherlands than differences in the economic situation. That finding confirms the tenor of the qualitative studies available.

It cannot be completely ruled out that some respondents may have completed the questionnaire strategically, presenting themselves as a political refugee, in the hope of being granted a residence permit. Yet the analyses do not lend support to the idea that the lack of safety and security reported by the respondents differs strongly from the respondents' actual perception of the social safety in the country of origin. Nor has evidence been found that their concerns about safety and security lack an objective basis. The respondents intimated that they came from countries that must be regarded as relatively unsafe countries on the basis of several criteria used by the WODC, whereby use has been made of information from several NGOs, such as the American *Freedom House* and the World Health Organization.

The most important 'counterweight' to the inclination of most respondents to stay in the Netherlands is the realisation of the poor prospects for someone staying in the Netherlands as an illegal immigrant. The study shows that the gloomier that respondents are about their life chances as illegal immigrants (health care, income, housing, safety and the like) and the greater the threat of detention and removal from the country, the greater the chance that they will no longer categorically rule out independent return. The poor prospects of illegal immigrants do not seem to lead to enthusiasm about returning home. Rather, it seems that asylum seekers who will soon have exhausted all legal remedies are pressed into considering return. A certain number of them appeared to consider repatriation because they 'had to' and because it might not be unwise to do so, given the risks associated with being an illegal immigrant, but not because they themselves wanted to return.

The study shows that part of the poor enthusiasm for return seems to be attributable to the health problems: about half of our respondents reported mediocre to poor health. The impression is that the health problems of the respondents often involve mental problems.

The study shows that there is a strong positive link between health and the intention to repatriate. Health seems to contribute in different ways to independent

return. It goes hand in hand with a more positive opinion of repatriation and of the social circumstances in the country of origin. In addition, it seems to contribute towards the individual having faith and self-confidence in being successful upon repatriation. Moreover, there are indications that mentally healthy respondents, compared to respondents with health issues, are more open to coercion from the government to return independently once they have almost exhausted all legal remedies.

The analyses suggest that the link between health and the intention to return cannot be merely attributed to strategic answers, with the majority of the respondents pretending that they are not in good health, and hoping that they will be able to extend their term of legal residence in the Netherlands on medical grounds. Nonetheless, it is possible that the effect of health on the intention to return has been overestimated in this cross-sectional study, as return intention may also have an effect on health: it is possible that asylum migrants who do not want to return, but do have to leave the Netherlands, will develop certain health problems.

Effects and results of the *Toekomst in Perspectief* project

It turns out that the participants in the *Toekomst in Perspectief* project are negative about return, and think that illegal residence is a better option. In that respect, they do not differ from the respondents who did not take part in the project. The intentions of the participants in the project are fairly constant over time, especially the intention of return. Any changes in the intention to return, to stay as an illegal immigrant or to migrate seem to be rather the consequence of a change in personal circumstances, such as the birth of a child, having a new partner or having ended a relationship, than participation in the project.

Although completing the series of talks seems to have little or no influence on the intention to return, to stay as an illegal immigrant or to migrate, five individuals who took part in the series of talks intimated that it helped them make a more informed decision on their future. In addition, they highly value *VluchtelingenWerk* as an organization. However, the support offered by that organization in respect of the asylum procedure and the immigrants' stay in the Netherlands seems to be much appreciated, far more than the talks about their future.

All in all, the case of *Toekomst in Perspectief* does not provide evidence for the supposition that governments can promote independent return by subsidizing NGO's.

Discussion

The findings provoke three questions. Firstly, how can it be explained that there is a strong discrepancy between the reported security situation in the countries of origin and the estimate of the Dutch government in that respect? On the one hand, there are indications that the idea that the respondents have of the security situation in their country of origin does not always concur with the actual situation. On the other hand, it is possible that the Dutch government does not do justice to a certain number of the applications for asylum, or at any rate does not offer the level of protection that the asylum seekers hope to find in the Netherlands.

The second question is how much more ground can be won – in terms of numbers of individuals returning – through a more restrictive policy on illegal immigrants. Since the beginning of the 1990s, numerous measures have been taken to make staying as an illegal immigrant in the Netherlands unattractive. Such measures do seem to have some effect on return intentions, but it is still found that most respondents

believe that staying as an illegal immigrant is the better option. Thirdly, the findings of the study imply that the return policy benefits from maintaining and improving the (mental) health of asylum migrants. This raises the question as to how much the government should – and would be willing to – invest in the health of asylum migrants on the grounds of migration regulation.