"The Conditions of Modern Return Migrants"

Conditions of Modern Return Migrants – Editorial Introduction

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There exists a basic, and too often overlooked, condition in current migration management policies, which intimately connects any person who returns home from abroad, regardless of the place of origin, social background, motivations, prospects, skills and occupational status. Beyond the plurality of return migrants' experiences there is a primary element that needs to be taken into consideration: return preparedness. Return preparedness refers to a process which, by definition, takes place in real life, through time, and is shaped by changing circumstances (i.e. personal experiences, contextual factors in sending and receiving countries) in their broadest sense. It is not only about preparing for return. It is about having the ability, although not always the opportunity, to gather the tangible and intangible resources needed to secure one's own return home. This thematic issue of the IJMS on the conditions of modern return migrants asks two main questions. Why do some migrants have a stronger degree of preparedness than others? How is the issue of return preparedness dealt with or taken into consideration in the framework of contemporary migration management policies? The contributors address these questions across various disciplines.

The rationale for the management of international migration lies in the capacity to "influence migration flows" (Salt 2000: 11). Additionally, it is also conducive to the reinforced (or more visible) centrality of the state and its administration in destination countries (Guiraudon and Joppke 2001: 15) and sending countries (Abella 1992: 266). Beyond their conflicting sovereign interests, countries of origin and destination share a common objective in the migration management agenda: introducing regulatory mechanisms buttressing their position as legitimate managers of the mobility of their nationals and foreigners. It is precisely the emergence and consolidation of regional trading blocs, at global level, that has heightened the political importance of the migration management agenda.

Never before has the need of state administrations to control count and predict migration flows been so strong. Never before has the role of the state in protecting its citizens and in defending their rights and privileges been so intertwined with its capacity to secure its borders or buffer zones and to regulate migration flows.

Today, this cause-and-effect relationship is presented as a *fait accompli*. However, it originates in the recurrence of numerous regional consultative processes (RCPs) which, from the early 1990s onwards, have mobilised government officials from countries of origin, transit and destination.[1]

Since then, a plethora of consultative initiatives, conferences and informal meetings have taken place, in the context of regional cooperation, gathering government officials from sending and receiving countries as well as international experts and scholars. From a general point of view, it is possible to identify four basic reasons for which these consultative informal meetings succeeded in mobilising officials from receiving, sending and transit countries.

First, they are primarily aimed at fostering inter-state cooperation on migration management; hence at developing an inter-state approach that puts national governments at the centre of discussions. State sovereignty remains untouched, not questioned.

Second, the participation in RCPs occurs on a voluntary basis. Deliberations are kept confidential with a view to favouring open debates on all issues pertaining to migration and asylum. State officials choose to participate in such events to gauge the views and attitudes of their counterparts, but also because they expect their views and interests to be taken seriously. Additionally, the free participation implies that if a state decides not to be involved in such consultative forums, then its refusal may be interpreted as a form of defection or unwillingness to take part in the discussion.

Third, by promoting exchange of viewpoints and experiences among government officials and migration stakeholders, RCPs are also conducive to "informal policy networks" (Lavenex 2008: 940) and to a kind of intellectual ambience, or a process of socialisation among participants (Thouez and Channac 2006: 384).

Fourth, and importantly, through the process of repetition,[2] these recurrent regional consultative processes have contributed to instilling guiding principles, which in turn have been erected as normative values paving the way for how international migration should best be administered, regulated and understood for the good of all.

This normative construct does not only stem from the recurrence of the above-mentioned consultations. In addition, the introduction of a lexicon including such

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[1] The analysis and evolution of RCPs in various regions of the world go beyond the scope of this editorial. For a comprehensive analysis see Thouez and Channac (2006) and Martin et al. (2006).

[2] I draw on Hannah Arendt's reflection regarding the acquired plausibility of political discourses through their recurrence, which she mentioned in 1975 on the occasion of a Düsseldorf *Bildungsforum* entitled "The legitimacy of lying in politics?" Briefly stated, something is plausible not because it is believed to be true or founded, but because it is (repeatedly) given or shown as being so (Arendt 2007: 78–79). In the process of repetition, the most worrying aspect, for Arendt, lies in the fact that those who give and receive the plausible "truth" may play interchangeable roles.

words and notions as *predictability*, *sustainability*, *orderliness*, *interoperability*, *quotas*, *root causes*, *comprehensiveness*, *unwanted migration*, *prevention*, *shared responsibility*, *joint ownership*, *balanced approach*, *temporariness*, has also been critical in manufacturing a top-down framework of understanding while reinforcing, at the same time, the managerial centrality of the state.

There is no question that this lexicon, endorsed and used by governmental and intergovernmental agencies, has achieved a terminological hegemony in today's official discourse and rhetoric as applied to international migration. Moreover, it has promoted a *form* of hegemonic knowledge through a concomitant process of seduction[3] shaping the overall interpretation of facts, identifying *some* key issues while hiding others.

This has had various implications. Perhaps the most important lies in having built a hierarchy of priorities and values aimed at best achieving the objectives set out in the migration management agenda. The above lexicon is of course a prerequisite to making sense of this hierarchy of priorities, for its main function is to delineate the contours of the issues that should be tackled first and foremost.

1. "Return" in the hierarchy of state priorities

"Return" stands high in the hierarchy of priorities that have been identified in the current top-down management of international migration. However, this is not because return is viewed as a *stage* in the migration cycle. It is because return has been narrowly defined in the current lexicon of governmental and intergovernmental agencies as the fact of leaving the territory of a destination country.

In the European Union (EU), this vision of return has been presented as an "integral part" (European Commission 2005: 2) of the instruments aimed at dealing with unauthorised or "illegal" migration and at protecting the integrity of the immigration and asylum systems in most destination countries. Since the early 2000s, the return policies of the EU and its Member States have been predominantly, if not exclusively, viewed as instruments aimed at fighting against unauthorised migration while defining return as "the process of going back to one's country of origin, transit or another third country" (European Council 2002: 29). Return has been euphemistically used as a synonym of readmission or expulsion.

This understanding of return is of course reflective of the normative construct that the migration management agenda has consolidated, for it not only reinforces the centrality of the state, as mentioned before, but also rationalises its security-oriented methods and means of implementation. Return merely refers to the act of removing unauthorised migrants and rejected asylum-seekers from the European

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[3] In its Latin usage *seducere*, i.e. to lead astray. For an analysis of "seduction" in political and public discourse, see Jankélévitch (1980).

territory. It does not take into account migrants' post-return conditions, let alone their human and financial potential as participants in development. This narrow approach to return is enshrined in the draft Directive on common standards and procedures for returning illegally staying third-country nationals adopted by the European Parliament in June 2008.

It is astonishing to observe the hegemony that this approach to return has achieved over the last decade and how it is now weaving into various policy areas at national and international levels. At a national level, an array of measures, laws and infrastructures have been established to serve this design. Detention centres, fingerprint identification systems, yearly expulsion quotas, laws on preventative custody are just a few examples. At an international level, cooperation in the field of readmission (so-called enforced return) with autocratic regimes in neighbouring countries has been justified in official discourse as a necessary evil. With reference to the Libyan Arab Jamahiriya, Brad Blitz and Sara Hamood aptly show in this issue how cooperation on expulsion or readmission has been gradually prioritised as a policy of containment, at bilateral (Blitz) and multilateral (Hamood) levels, regardless of whether the country of readmission already possesses the capacity to fully respect the fundamental rights and to protect the dignity of readmitted persons.

These initiatives have been presented as a bitter remedy or a necessary evil, turning cooperation on readmission and reinforcement of border controls into a rational solution to fight effectively against unauthorised migration (Joffé 2007). There is no question that this cause-and-effect relationship gives rationality and sense to official discourse and means of action. They also discard any alternative interpretation regarding the actual problem by monopolising the legitimacy of specific solutions.

2. Pervasive top-down schemes of interpretation

But no evil is necessary, for no evil is unique. To understand this, we need to question why this is so and whether it could be otherwise. Why is the issue of reintegration so marginal, if not non-existent, in the mechanisms that have been implemented so far by state agencies? Various elements account for the short-sightedness of current "return" policies.

The first element perhaps lies in the labelling of policies that are primarily designed to secure the effective departure of unauthorised migrants from destination countries. The terms "expulsion" or "removal" would be far more consistent with the actual rationale for these policies, which have developed extensively. However, despite this obvious distinction, it is striking to note the resilient confusion between return and expulsion or return and readmission. This terminological confusion is not fortuitous, for it results from the concerted effort to build a top-down framework of understanding justifying actions in the above-mentioned hierarchy of priorities.

Any scholar having worked on return migration would soon notice that such a terminological confusion was not part of the open and recurrent debates about return migration during the 1970s and 1980s (e.g. Kubat 1984; King 1986). Return was not mixed with expulsion, let alone with readmission, and migrants' motivations to return home, on a temporary or permanent basis, as well as their manifold patterns of reintegration and readaptation, constituted at that time the main research interests of scholars across various disciplines (Cassarino 2004). Since the 1990s, the growing politicisation of international migration movements, the ensuing adoption of restrictive laws regarding the conditions of entry and residence of migrants, asylum-seekers and refugees, reinforced border controls, the heightened debates on national sovereignty and identity, constitute the main ingredients that have gradually been conducive to different perceptions of migration, in general, and to return, in particular. Such new taxonomies as "voluntary return" and "forced return" started to shape more intensive public discourse and action by governmental and intergovernmental institutions.

The gradual pervasiveness of this dichotomy (voluntary versus forced return) in public discourse and policies on migration and return is today unquestionable. However, the extent to which it reflects the composite nature of return flows and returnees' experiences is highly debatable. There are two interrelated reasons supporting this argument. The first lies in the fact that the dichotomous approach to return, as it stands now in current policy measures, serves security-oriented purposes and proposes one-size-fits-all solutions aimed at securing the effective departure of unauthorised migrants and rejected asylum-seekers. The second reason is that neither conditions in countries of origin after "return" (or expulsion) nor reintegration are considered.

Despite the seemingly impeccable reference to voluntariness, the frontier between "voluntary" and forced return could only turn out to be blurred, given the purposes it serves.[4] As Tine Davids and Marieke van Houte argue in this issue, citing Gregor Noll, "return can never be voluntary when there is no plausible (legal) alternative". Furthermore, the dichotomous approach to return would not have been dominant without the production of an expertise or a form of knowledge reifying the managerial centrality of the state and turning the state and its administration into the legitimate producers of this form of knowledge. The selective allocation of public funds to given research projects viewed by civil servants and the state bureaucracy as being "concretely useful" to their "actions", is a direct offshoot of the desire to produce and legitimise a form of top-down knowledge about migration, in general, and return, in particular. Clearly, the production of a new technical expertise has been aimed at reinforcing the above-mentioned hierarchy of priorities.

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[4] In its report on return migration, the European Migration Network observed that "it is important to note, however, that there is no clear boundary between Voluntary and Forced Return, since there are different understandings of these terms by the Member States and it sometimes depends on the legal status of a returnee (legal or illegally resident). Whether return can truly be considered as voluntary … is another consideration" (EMN 2007: 6).

Some investigations have been prioritised above others, explaining how reality should be understood. Today, the production of knowledge about migration issues has become crucial in political terms. By obstructing any alternative interpretation of a given problem ("we cannot do otherwise"), the production of top-down knowledge does not only pave the way for dealing with a given problem, it also strays from the cause of the problem and subtly justifies a unique technical solution as the necessary evil. This is how surveillance systems, detention centres and readmission agreements have been presented as the necessary instruments aimed at deterring and fighting unauthorised migration turning the resilient economic and political gaps between destination and origin countries (in terms of undemocratic governance, life expectancy, average per capita incomes, political instability, disastrous environmental conditions, underemployment and poverty) into secondary causes prompting numerous migrants to leave and seek better living conditions abroad.

Admittedly, the identification of priority actions, and their unquestioned "necessary" solutions, has consolidated so far a migratory regime aimed at dealing with consequences more than causes, and overlooking the actual conditions shaping migrants' patterns of reintegration after return. It is of course easier to focus on security concerns because they can be internalised in public discourse and also because they can be presented as solutions based on commonplace assumptions.

3.   Going beyond dominant schemes: bottom-up perspective

Studies show that return migrants constitute a highly heterogeneous group of actors in terms of migration experiences, length of stay abroad, patterns of resource mobilisation, legal status, motivations and projects. Over recent decades, an array of studies, from various disciplines, has explained the manifold factors shaping migrants' patterns of reintegration in their country of origin (Cassarino 2004). They all share the assumption that migrants' patterns of reintegration are shaped by three interrelated elements. First, the context of reintegration in the home country. Second, the duration and type of migration experience lived abroad, which should be optimal (King 1986: 19), i.e. "neither too short nor too long", so that migrants have the opportunity to invest their human and financial capital acquired abroad upon return (Dustmann 2001; Kilic et al. 2007). Finally, the factors or conditions (whether favourable or not) in the host and origin countries which motivated return, i.e., the pre- and post-return conditions.

Taking into account these three interrelated elements (place, time as well as pre- and post-return conditions) is indeed critical in showing that different variables shape migrants' modes of reintegration in their country of origin.

There exists, however, a basic and too often overlooked condition that intimately connects any person who returns home from abroad, regardless of the place of origin, social background, motivations, prospects, skills and occupational status.

Beyond the plurality of return migrants' experiences there is a primary element that needs to be taken into consideration: *return preparedness.*

Return preparedness is not a vague notion. It refers to a process which, by definition, takes place in a person's life, through time, and is shaped by changing circumstances (i.e. personal experiences, contextual factors in sending and receiving countries) in their broadest sense. It is not only about preparing for return. It is about having the ability, though not always the opportunity, to gather the tangible and intangible resources needed to secure one's own return home.

Additionally, return preparedness calls for a twofold question. Why do some migrants have a stronger degree of preparedness than others? How is the issue of return preparedness dealt with or taken into consideration in the framework of contemporary migration management policies? This is what the contributions to this issue are all about.

4. Free will and readiness to return

Free will and the readiness to return are the two fundamental elements that compose return migrants' preparedness.

Free will is the act of deciding or choosing on one's own initiative to return. Free will is the subjective power to choose to return at a certain time, because it seems to be a timely and logical phase in the migratory process. The freedom to choose to return, i.e. free will, may appear superficial, because the migrant as a person will necessarily have to weigh the pros and cons, the costs and benefits, of the decision to return. However, what matters is the subjective feeling that the decision to return was neither dictated by others nor by external circumstances, regardless of whether it is justified in absolute terms or not. Free will refers to whether it is the time, and whether it is right, to choose to return or not.

Clearly, given the heterogeneity of return migrants' experiences and profiles, free will is far from being a constant, for it does not happen all the time in the return process. Sometimes, unexpected events or obstacles may disrupt the migration cycle and compel migrants to return home at shorter notice than expected. In this case, return is not chosen and the lack of freedom to choose to return might have severe implications on the conditions of the migrant.

Readiness to return reflects the extent to which migrants have been in a position to mobilise the adequate tangible (i.e. financial capital) and intangible (i.e. contacts, relationships, skills, acquaintances) resources needed to secure their return, whether it is temporary or permanent. This notion allows the manifold resources mobilised by migrants to be analysed. It also stresses the need to view return as an ongoing *process*, as Davids and van Houte argue, which requires time. As mentioned above, migrants have different capacities for readiness. Some may be optimal, others may be insufficient. Time, resources, experience, knowledge and

awareness of the conditions in the host and home countries, constitute the main factors shaping their capacities for readiness to return.

Free will and readiness to return reflect the ability of a person to decide how, when and why it is time to go back home. This ability is not a given, for the conditions of return may vary substantially, leading to various degrees of preparedness. In other words, not all migrants choose to return on their own initiative, nor do they have the readiness to do so.

Preparedness pertains not only to the free choice of migrants to return home, but also to their readiness to return. In other words, to be optimally prepared, return is an issue of individual capacity to decide freely to return *and* to mobilise the tangible (i.e. financial capital) and intangible (i.e. contacts, relationships, skills, acquaintances) resources needed to secure return (i.e. *readiness*). Clearly, at the same time, readiness to return varies with the types of experience of migration and with migrants' context of return.

5. Degrees of return preparedness

The authors' contributions are, at various levels, reflective of different degrees of return preparedness. Regardless of the heterogeneous experiences of migration and return conditions that are analysed here, three main degrees of preparedness may be identified.

The first degree refers to actors who feel they have gathered enough tangible and intangible resources to carry out their projects in their home countries. These returnees have a strong degree of preparedness. They have also developed valuable contacts, and acquired skills and knowledge that can constitute a significant adjunct to their initiatives. They have had time to evaluate the costs and benefits of return, while considering the changes that have occurred in their countries of origin, at institutional, economic and political levels. Some of them may maintain their residential status in their former areas of settlement with a view to securing their cross-border mobility.

Of course, despite their strong degree of preparedness, return migrants are not immune to a process of readaptation in the home country and to a personal "reflective experience of belongingness" that Anastasia Christou extensively analyses with reference to the narratives of her respondents who returned to Greece. In a similar vein, return-friendly state-sponsored programmes and legal measures in countries of origin may be viewed as a positive change by returnees able to instil new social dynamics and changes not only in the origin but also in the former destination country. This double-edged process is interestingly analysed by Edson Urano and Lucia Yamamoto.

The second degree pertains to migrants whose length of stay abroad was too short to allow tangible and intangible resources to be mobilised. These returnees have a

weak degree of preparedness impacting on their capacity to reintegrate. They consider that the cost of remaining is higher than returning home, even if few resources were mobilised before their return. Hence, resource mobilisation in receiving countries remains extremely limited and the returnee will tend to rely on resources available at home (e.g. local social capital).

The third degree refers to migrants who did not freely choose to return at this stage, nor did they have the opportunity to provide for the preparation of return. Adverse circumstances, in their broadest sense, prompted them to leave, leading to the abrupt interruption of their migration cycle. Their degree of preparedness is nonexistent, as Anisseh Van Engeland-Nourai shows in her study on Afghan and Iraqi refugees repatriated from the Islamic Republic of Iran.

Readiness and free will to return are closely intertwined in the notion of return preparedness, although they differ substantially. The former lays emphasis on the ability to mobilise with time the resources needed for return, whereas the latter focuses on free will and the individual choice to return or otherwise. Clearly, there are as many degrees of preparedness as there exist pre- and post-return conditions, for circumstances have a decisive impact on return migrants' reintegration process and ability to convey new ways of thinking about governance and rights, as Diane King observed interviewing returnees in Iraqi Kurdistan.

Admittedly, the three degrees mentioned above roughly plot the actual plurality of conditions facing return migrants. Nonetheless, the rationale for identifying various degrees of return preparedness lies precisely in emphasising that, regardless of the heterogeneity characterising return migrants' experiences and profiles, free choice and readiness to return constitute key elements to understand why some succeed in reintegrating back home whereas others do not.

Return preparedness provides a response regarding the variety of patterns of reintegration back home. At the same time, it also generates many questions as to whether and how state authorities involved in the management of migration have taken this into consideration in their political agendas.

This issue calls for an analysis combining a top-down (Blitz, Hamood, Van Engeland-Nourai) with a bottom-up (Davids and van Houte, Christou, Urano and Yamamoto, King) approach to return migration. It is through this combination that we can comprehend return *and* returnees' modern conditions, beyond their intrinsic plurality and beyond dominant schemes of interpretation.

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Libyan Nationals in the United Kingdom: Geopolitical Considerations and Trends in Asylum and Return

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This article explores the evolving geopolitical importance of Libya as a strategic partner for the United Kingdom and considers the way in which policies on migration have been used to cement the renewed relationship between the two countries. It considers in particular, the impact of the Memoranda of Understanding between the UK and Libya and the use of related readmission agreements to facilitate the return of Libyan nationals from the UK. It analyses some of the challenges facing Libyans seeking asylum and settlement in the UK and the prospect of their return to Libya in the light of the UK's domestic policies on asylum and security interests regarding the "war on terror". This study establishes a profile of Libyans currently in the UK and examines existing case law and Home Office guidelines to explain the conditions under which Libyans have been granted or refused asylum and subsequently removed from the UK to Libya. The main finding study is that the imperative of security cooperation has increased the likelihood that more Libyan migrants will be returned from the UK, and this poses a worrying scenario, especially given Libya's record of refoulement *and other human rights abuses. In the absence of a system for dealing with asylum inside Libya, returning Libyan nationals and transit migrants from neighbouring African countries are particularly vulnerable.*

T here are few statistics on migration between the Libyan Arab Jamahiriya and the United Kingdom. Italy has traditionally been the first port of call for Libyan asylum seekers and others from Egypt, Niger and sub-Saharan Africa who transit via Libya (Africa Research Bulletin 2006; Baldwin-Edwards 2005; Betts 2006; Hamood 2006; Messineo 2005). Today, the Italian island of Lampedusa is the initial destination for these Libyan and other migrants into Europe[1] and by

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[1] The Italian Government has refused UNHCR access to the reception centre on Lampedusa on several occasions and actual statistics of migrants passing through are difficult to obtain, in part because of the rapid return of people to Libya and the lack of identification prior to return (Messineo 2005). The centre was designed to hold 160 people but more than 1,000 have passed

contrast the 16,700 Libyan arrivals (2004) in the UK appear rather insignificant (Home Office 2006). Although numbers of Libyans entering the UK have increased by almost 50 per cent, those seeking asylum, and thus most likely to be returned in the event of a refusal, are few. Official statistics from the Home Office record that from 1997 to 2005 there have only been 1,255 applications for asylum received from Libyan nationals; the largest number of 200 occurred in 2002 when total UK applications reached an all-time high of 84,130 (Heath et al. 2006).

In spite of the small presence of Libyans in the UK, migration has become an increasingly important theme in Libya's external relations with the country. Over the past five years Libya has enjoyed a remarkable rapprochement with the UK and is now considered a valuable international partner for British interests in the Mediterranean and the Middle East. After a period of intense confrontation with the UK throughout the 1980s and 1990s, Libya began a programme to dismantle its nuclear programmes in 2003 and has since agreed to provide intelligence to the UK and the United States and cooperate in the global campaign against terrorism (Reveron 2006). Libya's commitment to reform has been cited to justify closer diplomatic cooperation, as former UK Prime Minister Tony Blair recommended in March 2004:

> Libya's actions in the past have caused grief and pain to many individuals and families, which we cannot forget … But if change in Libya is real, we should support it. It is the beginning of a process, and we should take it step-by-step. But I believe that a Libya free of WMD and with no links to terrorism is overwhelmingly in our interest and it is right to pursue this dialogue, and we will (Blair 2004).

Now migration also features alongside a host of other areas as a theme of policy cooperation between the two states, above all the fight against terrorism.[2]

Recent evidence for the evolving cooperation in the area of migration between the UK and Libya may be gleaned from two Memoranda of Understanding (MoU). The first was signed on 18 October 2005 on behalf of the UK Foreign Office and Libyan Ministry for European Affairs and aims to facilitate both the development of trade, processing of visas, and the deportation of nationals suspected of activities associated with terrorism (British Embassy Tripoli 2005; Foreign and

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through at a time. According to the European Parliament's own report on Lampedusa, the Italian authorities presented a configure picture of overall numbers of migrants passing through when it visited in 2005: "*The Italian authorities informed the MEPs that on the day of the visit there were 11 people at the centre. The delegation was surprised at this, as the figure did not in any way reflect the everyday reality of the Lampedusa centre. The Questore of Agrigento replied that on the previous day there had been 56 people. When asked how many had been present at the centre during the previous 96 hours, the authorities stated the number of arrivals as 200 on 21 August, 148 on 7 September and 29 on 11 September. This did not explain the total number of inmates during the days leading up to the MEPs' visit*" (European Parliament 2005: 1).

[2] For example, Libya and the UK have been cooperating in the case of Omar al Degahyes, a British national and former refugee from Libya who has been detained in Guantanamo Bay and threatened with deportation to Libya (Human Rights Watch 2007).

Commonwealth Office 2005).[3] Under this agreement, Libya has also provided assurances that persons returned would not be subject to abuse.[4]

The second was signed by former Prime Minister Tony Blair and President Muammar Gaddafi on 29 May 2007 during Blair's farewell tour to Africa and extends the notion of bilateral cooperation significantly. The one-page agreement records "the desire of both sides to strengthen judicial co-operation, in the context of [their] increasing joint efforts in the field of justice and home affairs, and specifically of [their] recently enhanced co-operation on counter-terrorism" (BBC News 2007). It also sets out the basis for mutual legal assistance in the field of criminal law, mutual legal assistance in the field of civil and commercial law, and cooperation in the area of extradition, and prisoner transfer. While this agreement has generated controversy over the prospect of transferring the convicted Lockerbie bomber from Scotland to Libya (Mulholland 2007), at present, the scope of the MoU is limited to those under criminal investigation and extradition cases.

The rationale for these agreements is both context-specific and influenced by wider European trends, above all the expansion of readmission agreements and the establishment of large European Union programmes on return and border management.[5] The common feature of the two Anglo-Libyan agreements is the degree to which they rely on cooperation from third parties to facilitate return and controlled entry to the European Union. In this, the above-mentioned accords are reminiscent of the fashion for readmission agreements which are valued by European Union institutions and implemented at the bilateral level by individual EU member states (Cassarino 2007). To date, Italy, Malta and the UK have signed accords with Libya and Spain is also in the process of negotiating an agreement.[6] While these agreements vary in scope, they share the characteristic of being informal declarations that provide a skeleton for further cooperation which have traditionally favoured the interests of the European signatory (Peers 2003).

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[3] According to the Foreign Office, "the MoU is a significant step towards making the Libyan market more accessible to British business people and offers important assurances for the promotion of trade and investment between the two countries". It also provides a mutual undertaking to consider most visa applications within one week and to consider issuing multi-entry visas (British Embassy Tripoli, 2005).

[4] This promise has recently been challenged by UK courts which contest Libya's declarations of reform. On 27 April 2007, the Special Immigration Appeals Commission (SIAC) ruled against deporting two terrorism suspects to Libya despite promises of humane treatment from the Libyan Government (Human Rights Watch 2007; SIAC 2007).

[5] The European Union has dedicated large sums over the period 2007–13 to address these two issues. The European Return Fund is funded up to €676 million to improve the management of the return of illegal migrants by encouraging cooperation with the countries of return, while the External Borders Fund received €1,820 million to improve control efficiency at the external border of the EU.

[6] Italy has signed two agreements on 13 December 2000 and 3 July 2003; and more recently a Memorandum of Understanding on 18 January 2006. Malta signed a bilateral agreement on police cooperation in 2001.

This article explores some of the challenges facing Libyans seeking asylum and settlement in the UK and considers the prospect of their return to Libya in the light of the evolving cooperation between the two countries. It begins with a brief review of the research context, namely the development of relations between the UK and Libya, before establishing a profile of Libyans currently in the UK. It then examines the existing case law and guidelines to help to explain the conditions under which Libyans have been granted or refused asylum and subsequently removed from the UK to Libya. The third section considers the impact of UK domestic policies on asylum and security interests regarding the "war on terror" for future asylum seekers from Libya. I conclude that the imperative of security cooperation has increased the likelihood that more Libyan migrants will be returned from the UK, just as the bar for admission through asylum channels has been raised following Libya's readmission to the international community. The potential fall-out from the confluence of migration and security policies for returnees and non-Libyan migrants in Libya is particularly worrying.

1. Research context

The small number of Libyans in the UK also reflects the state of international relations between the two countries and the extreme difficulty of Libyans reaching this distant country. Not only is it hard for Libyans to reach the UK legally, but following the break in diplomatic relations between the two states for almost two decades, the presence of Libyans in the UK has not attracted the patterns of "chain" migration that other European states have experienced. The country officially broke off diplomatic relations with Libya in 1984 following the shooting of WPC Yvonne Fletcher outside the Libyan People's Bureau in Central London. The shooting of a police officer apparently from a diplomatic office, and the total lack of cooperation from the Libyans in assisting the subsequent investigation, led to considerable public resentment and polarised relations between the UK and Libyan governments. Relations further deteriorated following the 1987 *Eksund* incident. The *Eksund* was a vessel bound for Ireland, which was intercepted by Irish and French authorities and found to contain large amounts of explosives,[7] weaponry and money that had been supplied by the Libyan state and security forces.[8] Although there had been other shipments to the IRA beforehand, this was by all accounts an overt expression of Libya's support of terrorism against the UK.

Relations between the UK and Libya became further strained followed the Christmas bombing of Pan Am Flight 103 over the Scottish border town of Lockerbie. All 259 passengers and crew were killed, as were eleven local residents on the ground. This act of terror led to a major international crisis involving several

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[7] The *Eksund* was found to contain approximately 120 tonnes of weapons including semtex and more than 1 million rounds of ammunition that was being smuggled to support the Provisional IRA's campaign of terror against the United Kingdom.

[8] Moloney (2003) claims that the *Eksund* shipment also contained military mortars. It is also estimated that Gaddafi gave the Provisional IRA the equivalent of £2 million along with the 1980s shipments.

state parties as two-thirds of the victims were American and forty-four were British; moreover, the criminal investigations involved transnational and international agencies and jurisdiction over this matter remained with Scotland. During a series of protracted investigations, the Libyan Government actively frustrated any attempt at cooperation with the British and American authorities. This continued for several years until November 1991 when the US Acting Attorney General finally issued warrants for the arrest of two Libyans, Lamen Khalifa Fhimah and Abdel Basset Ali al-Megrahi, who were formally accused of placing a bomb on board the aircraft in Malta, and charged with murder.

As Gaddafi refused to hand over the suspects and comply with UN Security Council Resolution 731, the Security Council first imposed sanctions against Libya in March 1992 and again in November 1993 following the introduction of Security Council Resolution 883, which remained in force until 1999 (UNSC 1992, 1993, 2003). During the period of sanctions,[9] Libyan officials repeatedly maintained that a trial held under Scottish jurisdiction would be biased and refused to cooperate. This impasse was only broken when in August 1998 the UK and US governments agreed to allow the trial to be held in the Netherlands before an off-shore Scottish court.[10] Finally, on 5 April 1999 Al-Megrahi and Fhimah were flown from Tripoli to the Netherlands where they stood trial. Their arrival promoted the suspension of the EU legislation that implemented the UN sanctions. Full diplomatic relations were resumed three months later following an agreement between the two governments when Libya accepted "general responsibility" for the shooting of WPC Fletcher, issued a formal apology, and promised to pay compensation to the Fletcher family. The Libyan Government also undertook to cooperate with and abide by the findings of the British police investigation into the shooting. This agreement paved the way for an exchange of diplomatic personnel. The first British Ambassador to Tripoli for fifteen years arrived in December 1999 and a new Libyan Ambassador arrived in London in January 2001.

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[9] The following UN Security Council resolutions instituted a series of sanctions against Libya: (a) S/RES/731 (1992) 21 January 1992 Security Council condemning the destruction of Pan American flight 103 and *Union de transports aériens* flight 772; (b) S/RES/748 (1992) 31 March 1992 imposing an arms embargo and selective travel ban; and establishing a Security Council Sanctions Committee; (c) S/RES/883 (1993) 11 November 1993 extending the travel ban and imposing financial sanctions; (d) S/RES/1192 (1998) 27 August 1998 strengthening calls upon all states to cooperate with the initiative for the trial of the two persons charged with the bombing of Pan Am flight 103; (e) S/RES/1506 (2003) 12 September 2003 Security Council lifts the sanctions measures set forth in paragraphs 4, 5 and 6 of its Resolution 748 (1992) and paragraphs 3, 4, 5, 6 and 7 of its Resolution 883 (1993) and dissolves the Committee established by paragraph 9 of Resolution 748 (1992).

[10] In order to bring about the possibility of a trial, and hence diplomatic resolution of the Lockerbie matter, it was necessary to introduce a further UN Security Council Resolution, 1192 (1998) on 27 August 1998 and amend Scottish and Dutch law, and introduce a new treaty between the Netherlands and the United Kingdom, *Agreement between the Government of the Kingdom of the Netherlands and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning a Scottish Trial in the Netherlands, 18 September 1998*, 38 I.L.M. 926 (1999).

The Lockerbie trial began shortly after the resumption of diplomatic relations and on 31 January 2001 Al-Megrahi was found guilty and Fhimah not proven.[11] In the following months, trilateral talks were held to discuss how Libya could meet the Security Council's remaining requirements and ensure the lifting of all remaining sanctions. During these talks, the UK emerged as the leading advocate for Libya and in August 2003 tabled a resolution recommending that the Security Council lift the remaining UN sanctions against Libya. That resolution was passed by the Security Council on 12 September 2003 and removed important travel restrictions on Libyan nationals.[12]

Since the lifting of UN sanctions against Libya, the nature of British-Libyan relations has shifted significantly to draw Libya into the circle of friendly nations. Diplomatic priorities have focused on the non-proliferation of nuclear weapons and engaging Libya in the global war against terrorism. Although the UK has expressed concerns about human rights violations in Libya and notes in particular restrictions on freedom of expression and assembly, the treatment of political prisoners, arbitrary detention and conditions in Libyan prisons (SIAC 2007), over the past three years, in particular, Libya has enjoyed a positive relationship with the UK. In 2004, Libyan Foreign Minister Abd al-Rahman Shalgam visited London and proved to a significant marker in UK-Libyan relations. Not only was it the first visit to the UK by a Libyan foreign minister since Gaddafi came to power, but it paved the way for the first of two visits by former Prime Minister Tony Blair in March 2004 – the first visit by a British PM since 1943. During Blair's meeting with Gaddafi, the two leaders discussed initiatives to help Libya dismantle its nuclear weapons programme and in September 2004, Libya issued a formal declaration affirming that it was ending its nuclear weapons programme and sought British assistance in this endeavour. This declaration enabled the UK Government to press for the US to lift the remaining sanctions against Libya and engage the country in a new security compact that focused on European-Mediterranean cooperation in defence, justice and migration. It also opened the door to further controls on migration between the two countries and the possibility of returning Libyan nationals back to Tripoli.

Since 2004, Libya's geostrategic importance to the UK has become more and more evident. Libya is an oil-rich state that has extensive relations with sub-Saharan Africa and influence over the Sudan and Algeria, two large states that have witnessed internal conflicts and population movements (amid charges of genocide in the case of the Sudan);[13] both are mineral-rich and reported centres of terrorist and al-Qaeda activity. Libya's geopolitical interests also spill over into Egypt, Niger and Chad and throughout the Middle East where Libya has recently been

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[11] "Not proven" is a Scottish verdict given in cases where there is still some doubt as to the guilt of the defendant.

[12] See: § 4 of UNSCR 748 (1992), UNSCR 883 (1993) and UNSCR 1506 (2003).

[13] Although a UN Commission concluded that the Government of the Sudan did not pursue a policy of genocide in the Darfur region, the state is still being investigated by the Office of the Prosecutor of the International Criminal Court.

accused of supporting the armed rebellion in Sa'ada in northern Yemen.[14] These realities, in addition to the fear of more states developing of weapons of mass destruction (WMD), on the back of Libya's now dismantled programmes, pose a particular challenge to the UK as one of the leading actors in the war on terror, hence the policy of engagement. The value-added of the new British-Libyan alliance includes the possibility that such engagement can be reproduced in current "rogue" and enemy states where the threat to UK interests is high, in addition to the UK's significant commercial interest in Libya.[15]

The development of cooperation on asylum and migration management between the UK and Libya cannot be divorced from the above-mentioned geopolitical framework. Over the past five years the tendency to treat migration, traditionally an area of home affairs, in the context of the UK's external relations has complicated the task of assessing the actual impact that transnational migration may have on domestic political agendas, national resources and public services. For this reason, evolving security framework must be taken into consideration when analysing the state of migration between Libya and the UK and the potential impact of the 2005 and 2007 Memoranda of Understanding on future waves of migrants, as discussed below.

2. Libyan migrants in the United Kingdom

The only statistics available on migration between Libya and the UK are from Home Office sources and present a limited picture of both regular migration, as identified through the International Passenger Survey, and data provided by the Research, Development and Statistics Directorate (Heath et al. 2006). There is no mention of information gathered from Eurodac sources.[16]

In terms of regular migration, the statistics record that not only are the numbers of Libyans reaching the UK growing, but there is increasing variety in the categories of Libyans admitted into the UK, as indicated in Table 1.

These recent arrivals partially confirm broader migratory trends, elsewhere described in the context of differentiation, i.e. varied groups of migrants, increasing feminisation of migration, and transnational flows as identified from multidirectional movements of people between sending and receiving states, as

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[14] As a result, Yemen recently recalled its ambassador (Mounasser 2007).

[15] There is already a well-established *British Business Group* in Libya and an emerging export market for UK goods. Visible UK exports to Libya in 2005 totalled £210.6 million and consisted largely of industrial machinery for the oil and gas sector. Invisible exports are estimated to double this amount (UK Trade and Investment 2007).

[16] In 2000, the European Council passed a resolution creating Eurodac, a system for the comparison of fingerprints of asylum applicants and illegal immigrants which aimed to facilitate the application of the Dublin Convention regarding the determination of the state responsible for examining the asylum application. See Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (*Official Journal* L 316 of 15.12.2000).

well as between receiving states and third countries (Castles et al. 2003). Differentiation has been attributed to the globalisation of travel, the development of regional conflicts as a major push factor, and the weakening of colonial ties which has encouraged the settlement of new migrant groups in non-traditional countries of reception and settlement. From Table 1, it is evident that a range of migrants is admitted into the UK, though there is little evidence of feminisation, as suggested by the categories of migrants "admitted as a husband or fiancé" or "admitted as a wife or fiancée".

Table 1: Number and types of arrivals by Libyan nationals in the UK (2005)

Ordinary	5 350
Business	2 500
Students	2 900
Au pairs	n/a
Work permit holders + 12 months	25
Work permit holders – 12 months	10
Dependants	55
Admitted as a husband or fiancé	15
Admitted as a wife or fiancée	35
Passengers in transit	1 030
Passengers returning after a temporary absence	3 290
Refugees exceptional leave cases and their dependants	30
Others given leave to enter	1 460
Accepted for settlement on arrival	5
Passengers refused entry at port and subsequently removed	30
Total	**16 735**

Source: Home Office (2006).

In terms of asylum, however, the picture is less attractive and defies the diversified pattern of arrivals through legal channels. The first point to consider is the relatively low number of asylum applications.

While the number of applications has grown recently there is little variation in the type of asylum seeker recorded. Most Libyan asylum seekers in the UK are young males, even though the average age is relatively higher for this group than asylum seekers from other countries (Heath et al. 2006). In 2005, for example, out of 135 applications for asylum (excluding dependants), the vast majority of applicants were under 35 and were male. There is also an important gender dimension missing – women barely feature in the asylum statistics provided by the Home Office and only a handful of unaccompanied minors have applied for asylum, on average only five per year. Arguably, few women are applying for asylum in the UK.
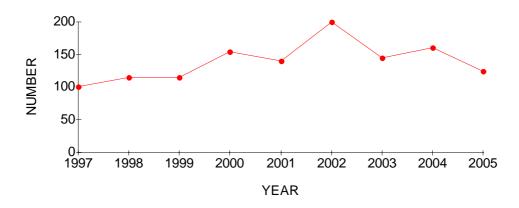
Figure 1: Number of asylum applications received from Libyan nationals between 1997 and 2005

Source: Home Office (2006).

Second, the presence of Libyan asylum seekers in the UK case does not appear to reflect the new modalities of migration where states may simultaneously act as sending, receiving, and transit centres. For example, there is no mention of the presence of UK-bound Libyans in Lampedusa, although this may be a feature of the tightening of Italy's asylum policies, the rapid increase in returns to Libya, and the introduction of tough penalties for those returned Libya (Hamood 2006; Human Rights Watch 2006*b*; Messineo 2005). There is also little evidence of Libyans in the UK having benefited from the development of alternative routes of entry created by smuggling networks in other South European states. Again, this may reflect the increasing attempts to regularise migration at source through bilateral agreements, such as the one signed between Italy and Libya in 2004, rather than a lack of smuggling activity even though the official statistics provided by the Home Office suggest that only very small numbers have been able to reach the UK independently; the largest number of arrivals by this method being just thirty overall (Heath et al. 2006). Unlike Algerians in the UK, there is virtually no record of Libyans arriving via a third country.

Third, as indicated in Table 2, the level of refusals is particularly high. Of the total 145 applicants in 2005, over 90 per cent were rejected (Heath et al. 2006). This figure stands above the average of 83 per cent in 2005 (Home Office 2006).[17]

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[17] According to the Home Office just under a third (31 per cent) of the 25,710 applications in 2005 resulted in the granting of asylum (8 per cent), Humanitarian Protection or Discretionary Leave (12 per cent) or in appeals that were allowed by the IAA adjudicators (12 per cent) (Home Office 2006: 12).

Table 2: Initial decisions on applications received from Libyan nationals for asylum in the UK, excluding dependants (2005)

Total initial decisions	145
Recognised as a refugee and granted asylum	10
Not recognised as a refugee but granted humanitarian protection	*
Not recognised as a refugee but granted discretionary leave	*
Total refused	135
Refused asylum HP or DL after full consideration	115
Refused on safe third country grounds	10
Refused on non-compliance grounds	10

Source: Home Office 2006

The above findings raise further questions regarding the quality of applications submitted and the grounds for refusal and inform the context for an investigation into the manner in which unsuccessful asylum seekers have been returned. The Home Office data record that few applications were made at port rather than in country, suggesting that most asylum seekers came into the UK under a different status, quite possibly as students. The number of refusals (135[18] in 2005) in contrast to the number of Libyans recorded in the UK and relative to the number of persons removed (30 in 2005) suggests that most Libyans have not been returned either voluntarily or forcibly but have remained in the UK. This finding is further supported by the evidence of 210 Libyan asylum seekers in the UK who were in receipt of support from the National Asylum and Support Services (NASS) at the end of 2005. Arguably, while few Libyans have managed to secure asylum status or benefit from humanitarian protection or discretionary leave, equally few have been removed, in spite of the emphasis on removals at the policy level.[19]

From a review of the official data, the following facts complement the emerging picture of Libyan nationals in the UK:

- The vast majority of Libyans in the UK are students and business people.
- Most of those granted extensions to remain in the UK were students (950 out of 1,340) but 100 Libyans were granted rights to settlement (Home Office 2006).
- The number of asylum applications from Libyans over the past ten years has risen, but only slightly.

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[18] This figure excludes dependants.

[19] Home Office figures record few removals nationwide. In 2005, 13,730 principal asylum applicants were removed from the UK (including assisted returns and voluntary departures following enforcement action) while 2,905 principal applicants left under Assisted Voluntary Return Programmes run by the International Organization for Migration (Home Office 2006: 15).

- The overwhelming majority of applications for asylum were submitted by Libyan nationals already present in the United Kingdom.
- The numbers of Libyan nationals who have been granted asylum are particularly low and are falling.
- Current figures for those granted leave to remain and humanitarian protection record that successful claims have fallen to a trickle and are now estimated at ten per year.
- The number of refusals has correspondingly shot up between 1997 and 2005; at least 125 Libyan nationals were removed from the UK.
- Like most new arrivals, those granted asylum or "humanitarian protection" have been dispersed across the UK. The overwhelming majority of Libyans (125) were relocated to areas of north-west England, a region which is economically troubled; none were settled in Greater London and only five sent to south-east England.
- Five Libyan nationals were held in detention under Immigration Act powers in 2005 (Heath et al. 2006).

3. Case law and guidelines on granting asylum

The small number of Libyan asylum seekers in the UK raises the question of the conditions under which are they being admitted to the UK and, further, why the refusal rate is proportionately so high. The existence of case law and policy guidelines produced by the Home Office offer some possible explanations for these trends.

There have only been three "starred determinations" (i.e. advisory cases) concerning Libyan applicants who have appeared before the UK's Asylum and Immigration Tribunal (AIT).[20] However, these taken in consideration with the *Country Determination Guidelines* and *Operational Guidance Notes* produced by the UK Home Office's Border Agency provide a useful insight into the criteria for determining the granting of leave to Libyan nationals. The vast majority of claims for leave to remain in the UK have been made on the grounds that applicants have well-established fears that, should they be returned, they may suffer human rights violations and in particular mistreatment at the hands of the Libyan state authorities. In this context, the majority of applicants have cited their membership of, involvement with or perceived involvement with, political and Islamic opposition groups to substantiate their fears of victimisation by the Libyan state apparatus. In previous years, other applicants claimed that their membership of ethnic minority groups, above all the Berber communities, has left them equally vulnerable to abuse by the state and thus they too had human rights grounds for seeking asylum in the UK.

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[20] *ME (Risk – Failed Asylum Seekers – Hassan) Libya CG [2003] UKIAT 00200* 2003 UKIAT00200E (UKIAT 2003*a*).
HH (Risk – Failed Asylum Seekers) Libya CG [2003] UKIAT 00202 HX/18773/03 (UKIAT 2003*b*).
KK (Failed Asylum Seeker) Libya CG [2004] UKIAT 00151 Added to list 24.06.04 (UKIAT 2004*a*).

4. Human rights claims

The existing case law provides a series of standards for granting asylum and leave to remain to Libyan nationals. It also contains some general characteristics to suggest that English tribunals and the Home Office have taken a rather narrow interpretation of human rights claims made by Libyan applicants and that the bar for granting asylum claims remains extremely high. This is evident from the most widely reported ruling regarding a Libyan national, in the case of *ME (Libya) CG [2003] UKIAT 00200* (judgment given 17 December 2003) who eventually lost his claim for asylum in the UK.[21]

Prior to ME there had been a decision in the case of *Hassan [2002] UKIAT 00062* which relied on documentation from the Foreign Office affirming that "anyone returned to Libya after an absence in excess of six months is subject to interrogation by the security authorities. Such people are routinely imprisoned by administrative order for 'having shown disloyalty to the state'." Although the AIT recognised the authenticity of ME's fears, it rejected his application for asylum on the grounds that Libya had since abandoned such practice.[22] It also noted that the applicant's identity as someone who challenged the state by submitting a report to human rights groups abroad had not been exposed and that political opposition and membership of a group was not in itself sufficient grounds for granting asylum. In its conclusion the Tribunal noted that unsuccessful asylum seekers who had been returned to Libya were able to resume a life without fear of torture and thus insisted that claims made on the basis of persecution needed to be further qualified: "the bald assertion that any returned asylum seeker will be persecuted because they will be perceived as someone taking a stance against the government is wrong". For his part, the adjudicator provided his own qualification that ill-treatment was largely visited on those who had either been involved in or were suspected of being involved in "serious political activity" or were "radical Islamic supporters".

In 2004, the Tribunal further clarified what was meant by "serious political activity" in *MA (Libya) [2004] UKIAT 00252* (judgment given 14 September 2004) but again left the door open to further interpretation (UKIAT 2004*b*). In MA, the Tribunal reinforced the findings of ME and noted that the act of seeking asylum does not in itself give rise to claims of persecution.[23] The adjudicator argued that

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[21] ME was a medical practitioner who had been called upon to treat four prisoners, and in the course of their examination concluded that they had faced ill-treatment in prison. One of the prisoners died and the applicant's colleague was asked to certify that the death had been as a result of natural causes. Instead, the doctor and his colleague submitted a truthful report to two human rights organisations, one in Switzerland and one in the Netherlands. After two colleagues were arrested, the applicant fled the country and sought asylum in the UK.

[22] The Home Office records that "The Tribunal looked at the Dutch report on returnees of 2002, which stated that since 2002 the authorities no longer applied the six-month rule. The report also found that even if they were held it was only for a few days for interview. Length of absence abroad was not a determinative factor.

[23] In 2005, a similar case was heard concerning AA, an asylum seeker from Zimbabwe whose request was granted even though the AIT did not find that, in general, Zimbabwe was unsafe for returning asylum seekers.

ME referred specifically to those cases involving "high degree activities" where claimants would be at risk. These activities were eventually defined by the Home Office to apply to certain types of opposition and in April 2007, the Home Office issued its own guidelines which further attempted to qualify what was meant by "high-risk activities".

The current advice from the Home Office is that given the degree of repression against dissenters, opposition political and Islamist activists, applicants who fall into such categories could be granted asylum in the UK.

> If it is accepted that the claimant has in the past been involved in opposition political activity or is a radical Islamic activist for one of the opposition political or Islamic groups mentioned above then there is a real risk they will encounter state-sponsored ill-treatment amounting to persecution within the terms of the 1951 Convention. The grant of asylum in such cases is therefore likely to be appropriate (Home Office 2007: 7).

5. Torture and mistreatment in prison

The most controversial issue for Libyan asylum seekers and those seeking humanitarian protection regards concerns claims made on the grounds of mistreatment in prison. Many applicants have argued in their requests for leave to remain and humanitarian protection that conditions in Libyan prisons are so poor that the act of return and imprisonment could fall under Article 3 of the European Convention on Human Rights (ECHR) which addresses instances of torture and inhuman treatment. This view has been challenged by the Home Office which affirms the appalling state of Libyan prisons and notes that individual cases may give rise to a genuine claim of mistreatment under ECHR Article 3, and similarly under Article 8 (the right to respect for his private and family life) for those with mental illness, but concludes that conditions in Libya are now unlikely to reach the threshold of Article 3 except for political prisoners (Home Office 2007: 11). For this reason the Home Office advises against granting humanitarian protection in such cases. The Home Office view has been contested by human rights organisations which oppose the return of such categories of claimant on the grounds that Libyan prisons are still in a deplorable state and are sites where torture and mistreatment takes place (Amnesty International 2005; Human Rights Watch 2006*a*, 2006*b*; US Department of State 2007). The reports in July 2007 that followed the release of the five Bulgarian medics who had been sentenced to death and later imprisoned for allegedly infecting approximately 400 children with HIV, confirm the appalling state of Libyan prisons and the use of torture and other coercive measures to extract confessions.

5.1 Gender-based claims of persecution

In other areas of human rights, however, the British authorities have been remarkably progressive, for example in their recognition of gender-based claims, which include victimisation at the hands of both state and non-state parties and the

mistreatment of minors. While such cases previously fell outside the 1951 Refugee Convention, following the House of Lords 1999 ruling in *Shah and Islam*, [24] there is now a basis in English case law to support the claims of women alleging well-founded fear of persecution, whether they do or do not fall within the category of being members of a particular social group.

In its 2007 report, the Home Office noted that there was an increase in applications from Libyan females in particular who had made claims for asylum on the grounds of gender-based violations of human rights. The most common complaint was that they were or would be victims of mistreatment and feared

> … being killed, at the hands of their family as the result of them having had an extra-marital affair, having been raped or suspected of transgressing moral codes/family values more generally (Home Office 2007: 8).

The Home Office also recognised claims may involve, or be made on the basis of, a fear of punitive detention (also known as "social rehabilitation") by the state authorities which was a form of mistreatment. Given the prevalence of gender-based discrimination and the reluctance of Libyan state authorities to protect women in particular from harm, the Home Office guidelines provide a constructive approach to granting asylum in such cases, especially when internal relocation is not an option.

In addition, the UK has taken a more favourable position towards minors claiming asylum in their own right. As is the general rule, the Home Office recommended that minors who have not been granted asylum or Humanitarian Protection cannot be returned to Libya unless it can be proved that there are appropriate reception facilities and established levels of care. Given the admission that the UK authorities do not have "sufficient information to be satisfied that there are adequate reception, care and support arrangements in place" (Home Office 2007: 12), the conclusion is that the UK will not return minors to Libya.

5.2 Berber and minority ethnic groups

In the case of ethnic-based persecution above all Berbers who seek asylum on the grounds of fear of mistreatment by state authorities, the UK has, however, been considerably less permissive. Although the Berber communities have a long history of cultural denationalisation in Libya (Prah 2001), the UK authorities have concluded that their claims may not amount to persecution under the Refugee

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[24] This case concerned two Pakistani women who had been forced to leave their homes by their husbands and were at risk of being falsely accused of adultery in Pakistan. They claimed that they would be unprotected by the state and would face the risk of criminal proceedings for sexual immorality if they were forced to return to Pakistan. See. *R* v *Immigration Appeal Tribunal* and another, *ex parte Shah* (United Nations High Commissioner for Refugees intervening); *Islam and others* v *Secretary of State for the Home Department* (United Nations High Commissioner for Refugees intervening) House of Lords [1999] 2 AC 629, [1999] 2 All ER 545.

Convention. In its clearest statement regarding Libyan applicants, the Home Office recorded:

> Though the Libyan authorities maintain control over all ethnic and tribal minorities in the country, membership of the Berber group and expressions of Berber culture do not cause any problems for those involved. Those who simply cite membership of the Berber group as the sole basis of their claim are therefore unlikely to encounter state-sponsored ill-treatment amounting to persecution within the terms of the 1951 Convention. The grant of asylum in such cases is not likely to be appropriate (Home Office 2007: 8).

6. Implications and future trends

The difficulties Libyans face in receiving asylum status, and leave to remain in the UK, must be considered in the light of the current direction of UK asylum and return policy, as well as against the backdrop of renewed UK-Libyan relations. Over the past fifteen years, the UK Government has introduced six acts on immigration and asylum[25] which have made the process of applying for asylum considerably harder for applicants. It has also recently proposed to deny refugees the possibility of indefinite protection, thus increasing the prospect of return.[26] Coupled with this, the Eurodac system has introduced stricter border controls by following the US model of fingerprinting all visa applications and carrying out electronic checks on people entering and leaving the country. Under the 2004 Asylum and Immigration Act (Treatment of Claimants), it is now an offence for migrants to attempt to enter the UK without a valid immigration document unless the person can show a reasonable excuse or "other defence" and there is further punishment for those who present forged documents. Although there has been a provision in the 1987 Immigration (Carriers' Liability) Act that penalises agents who facilitate the entry to the UK without valid travel documents and visas, the 2004 Treatment of Claimants Act now penalises applicants too. Many asylum seekers, who cannot apply legally in the UK, must now apply closer to home where it is often harder to demonstrate a well-founded fear of persecution. Libyans seeking asylum and the right to remain in the UK have been directly affected by the above-mentioned developments. Although the number of Libyans removed from the UK is still relatively small, [27] their return contributes towards the broader goal of meeting government targets and helps to legitimise populist claims that many claimants are "bogus" and primarily interested in accruing benefits (Sales 2007). The net effect has been especially detrimental to vulnerable individuals and

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[25] These are: Asylum and Immigration Act 1996, Immigration and Asylum Act 1999, Nationality, Immigration and Asylum Act 2002, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Immigration, Asylum and Nationality Act 2006.

[26] Under the Immigration, Asylum and Nationality Act 2006, the UK Government has signalled its intention to stop granting "Indefinite Leave to Remain" to refugees, thus increasing the prospect of return.

[27] The number of North Africans removed, however, is increasing. For example, in 2005, 510 Algerians were removed from the UK, including 270 asylum seekers. Of these 240 were returned to Algeria, the rest to third countries.

has undermined the principle of refugee protection by increasing destitution among asylum seekers and placing large numbers of individuals in detention (ECRE 2007). Future removals include unsuccessful Libyan asylum seekers who could be returned under the terms of the 2007 MoU (Home Office 2006).

For new asylum seekers, the picture is less bright. In recent years the UK has supported a Voluntary Repatriation Scheme coordinated by the International Organization for Migration (IOM), which provides some financial assistance to those who have failed to settle in the UK and wish to leave the country permanently. However, British policy is now not simply aimed at coordinating removals but also containing potential asylum seekers. If the 2006 Anglo-Algerian accord is an accurate indicator of the trend in migration controls between Libya and the UK, then one may expect a framework of formal reciprocal obligations, the introduction of standards on data protection, and instruments enabling travel documents to be issued as well as agreements on escorting and removing migrants.[28] In spite of the few removals to date; the direction is clearly towards a much more heavy-handed policy of removals.

The form of the recent MoU and basis upon which policy coordination has been laid introduces several additional sources of concern. Just as with the 2006 readmission agreement with Algeria, the 2007 MoU between the UK and Libya reflects a wider European tendency to regularise migration on the back of short informal declarations that contain several exclusion clauses and do not have parliamentary backing but make return as condition for further cooperation and aid (Cassarino 2007). However, while the British position bears some similarity to the agreements signed by Italy and Malta, and indeed the European Union's Community Return Policy, the MoU between the UK and Libya has significantly less legitimacy because the two countries are currently outside the "core" of the Euro-Mediterranean Partnership (Barcelona Process) and the Hague Programme on Freedom, Justice and Security in the European Union.[29] Both have ring-fenced their concerns over the potential loss of sovereignty over migration and asylum issues: in the case of the UK this is illustrated by its "opt-in" clause which permits selective engagement in European policies on Justice and Home Affairs; Libya is

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[28] The Agreement on the Circulation of Persons and Readmission between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Democratic Republic of Algeria, signed in London on 11 July 2006.

[29] The objective of the Hague programme is to improve the common capability of the Union and its Member States to guarantee fundamental rights, minimum procedural safeguards and access to justice, to provide protection in accordance with the Geneva Convention on Refugees and other international treaties to persons in need, to regulate migration flows and to control the external borders of the Union, to fight organised cross-border crime and repress the threat of terrorism, to realise the potential of Europol and Eurojust, to carry further the mutual recognition of judicial decisions and certificates in both civil and criminal matters, and to eliminate legal and judicial obstacles in litigation in civil and family matters with cross-border implications. According to the European Council, this is an objective that has to be achieved in the interests of European citizens by the development of a Common Asylum System and by improving access to the courts, practical police and judicial cooperation, the approximation of laws and the development of common policies.

not a signatory to the Geneva Conventions, nor the Refugee Convention, has no formal relationship with the European Union and has no system for dealing with asylum. The development of their cooperation in these areas is thus not only based on an informal agreement but one that has less standing under EC law.

The MoU of May 2007 must also be examined in light of the UK's security interests and in particular the "war on terror". According to Michael Nguyen (2006), the UK has agreed to offer Libya security assurances and strengthen their mutual security relationship in an effort to encourage other countries to follow Libya's lead in abandoning its chemical and nuclear weapons programmes. Although the connection between migration and protection from WMD is not direct, the externalisation of migration policy as evidenced by the multiplication of enforcement initiatives in transit and source countries (patrols, interceptions, escort and return) is linked to the development of intelligence capacity which has been cited as the "first line of defence against terrorism" (Reveron 2006). The introduction of counter-terrorism measures in the Immigration, Asylum and Nationality Act 2006, including a clause regarding the grounds on which the government can exclude people from asylum, further affirms the policy connection between security and migration which has Libya at the very core.

Finally, it is important to mention the potential licence that the Anglo-Libyan agreement gives Libya to address its own vast migrant populations and indeed returning nationals. UN estimates for the number of legal immigrants in Libya stand at 617,536 (UNDESA 2005) but there is little explanation given for such figures and others suggest that the number of non-Libyan nationals may be as high as 30 per cent (Andrijasevic 2006). The number of illegal migrants in Libya – many of whom could be classified as refugees according to the Convention (Betts 2006) – range from between 750,000 to 1.2 million out of a total population of 5.8 million (European Commission 2005). It is this population which is especially at risk (Human Rights Watch 2006*a*). Although a signatory of the Organization of African Unity Convention, Libya does not have an asylum system in place and treats asylum seekers and refugees in the same vein as economic migrants (Hamood 2006). Having once welcomed economic migrants in the 1970s, Libya has been condemned recently for placing non-citizens in deplorable camps, subjecting thousands to long periods of detention where they have faced ill-treatment by enforcement officers, and for engaging in regular and large-scale forced migration and expulsions (Amnesty International 2004; Hamood 2006; Human Rights Watch 2006*a*, 2006*b*).

Libya's record on *refoulement* is particularly worrying. Between 2003 and 2005, Libya repatriated 145,000 people, including some refugees to Egypt, famine-stricken Niger and war-torn Eritrea and was formally condemned by international monitoring organisations (*Afrol News* 2006; Amnesty International 2004; Hamood 2006; Human Rights Watch 2006*b*). There is evidence to suggest that the signing of additional bilateral agreements may precipitate further human rights violations

against those returned to Libya.[30] Potential risks including the prospect of ill-treatment and abuse during detention, removal to third countries, not to mention deaths[31] and injury in transit (UNESCO 2005), as was the case when Italy sent back thousands in 2004 and 2005[32] (Andrijasevic 2006; Betts 2006; Hamood 2006; UNHCR 2005).[33]

7. Conclusion

As more European states are calling upon Libya's support to manage irregular migration into the European Union, two essential questions need to be addressed: first, how the 2007 declaration between the UK and Libya will affect both future admissions and removals in the name of judicial cooperation; and second, what impact it will have on Libya's domestic political situation. Several human rights organisations have already condemned the practice of readmission agreements with friendly states on the grounds that the policies are essentially tilted in favour of the European actor and that the agreements themselves are unbalanced, unequal, inhumane and internally contradictory (Cassarino 2007; Peers 2003). In the case of Libya, however, the linking of migration to justice and home affairs, extradition and counter-terrorism introduces additional fears over the degree to which migrants, many of whom may have claims to asylum, will be protected as they seek to enter the UK and in the event of their return to Libya (Human Rights Watch 2007).

In spite of the small number of Libyan asylum seekers in the UK, migration is now an instrumental hook that has helped to organise British domestic and international interests around controls on asylum and border security. It has also been instrumental in fostering Libya's readmission to the international community. From the above discussion, there is little rationale for increased cooperation purely on the basis of migration between Libya and the UK. Indeed, even if other European states are directly affected by irregular migration via Libya, for the UK it is most of all Libya's geopolitical value that is now the basis for much cooperation between the two countries.

For Libyan asylum seekers trying to reach the UK, the recent rapprochement between the two countries may reduce the likelihood that their claims will be accepted. There are many reasons for this, including the increasing restrictions that

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[30] Andrijasevic reports that, according to NGOs, the signing of an agreement between Libya and Italy in August 2004 "led to widespread arrests in Libya of individuals from sub-Saharan Africa, and that 106 migrants lost their lives during subsequent repatriations from Libya to Niger".

[31] From 1 January 1993 to 10 April 2005, there were a reported 232 deaths as a result of crossings from Libya to Italy (UNESCO 2005).

[32] According to Messineo (2005), "many of those deported from Lampedusa to Libya in the past months were not even aware of the real destination of their flight and believed that they were being sent to 'another centre' on mainland Italy to be 'properly identified'." He claims that people were not identified before being returned.

[33] According to the UNHCR (2005), Libyan officials were flown to Lampedusa by the Italian authorities and were given access to Libyans seeking asylum.

disable individuals from making asylum applications and the UK Government's belief in Libyan claims of reform, as recently accepted by English case law and the Home Office. The fact that Libya's statements of goodwill have been dismissed by human rights authorities (including the Special Immigration Appeals Commission) does not seem to have tipped the balance in favour of applicants and the refusal rate is increasing. That said, there are still some notable exceptions that may benefit from the way in which British authorities have interpreted the human rights situation in Libya, above all female asylum seekers; a larger number of applicants in this category might be expected in future. Whereas few Libyans have been removed from the UK, the trend is to accelerate the practice of removals. In the absence of a system for dealing with asylum inside Libya, returning Libyan nationals and transit migrants from neighbouring African countries are especially vulnerable.

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Europe's Security Approach Failing to Halt Migration from Libya

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The rising numbers of arrivals in Italy and Malta from Libya since around 2000 have created an urgent desire within the European Union to prevent arrivals from this new point of departure, leading to the initiation of cooperation between the EU and Libya on migration. As in many other settings, this cooperation has predominantly comprised two elements: to secure the borders of the EU to prevent entry; and to return so-called illegal migrants to their countries of origin, or at least to the country of transit. This article focuses on the processes of return both from Italy to Libya and from Libya to countries of origin, which put so-called migrants at risk of refoulement, *either indirectly or directly. It argues that returns from both countries follow a similar collective approach to arrivals, which predominantly fails to deal with cases on an individual basis, and results in a violation of the right to asylum. It contends that this approach is ineffective as a method to prevent entry into the EU, given the lengths that people are willing to go to in order to reach the EU and their awareness, in advance of travel, of the risks and hardships they might face both en route and on arrival.*

S ince around 2000, the media, government officials and non-governmental organisations have increasingly highlighted migratory flows from the Libyan Arab Jamahiriya to Italy and Malta as Libya began to move away from its traditional role as a destination country for migrants seeking employment to a key transit country for migrants and refugees trying to reach the European Union. Recent IOM figures put the number of "illegal migrants" in Libya at 2 million among an indigenous population of just under 6 million (IOM 2007). UNHCR figures indicate that 19,900 people arrived in Italy by boat from North Africa in 2007 compared with 22,000 in 2006, with at least 471 reported dead or missing in 2007 (UNHCR 2008).[1] Most depart from Libya's west coast by the border with Tunisia, and some from Tunisia itself. At peak times, usually during summer, hundreds of migrants and refugees, the majority from Egypt and sub-Saharan Africa, arrive at the small Italian tourist island of Lampedusa each week, either

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[1] In 2004, the International Centre for Migration Policy Development (Vienna) estimated these figures to be much higher, at around 80,000 arrivals in Italy and Malta each year.

directly or more often after being caught or rescued by Italian authorities in the surrounding waters. In the week of 22–27 February 2008 alone, 1,104 people, including eighty-seven women and eighty-four children, arrived at Lampedusa, setting a new record for the usually quieter winter months (UNHCR 2008).

The EU has responded to the development of this new migratory route to its territory primarily with a security strategy despite increased EU recognition of the need for a "global approach" to migration tackling various angles (security, development and human rights). EU-Libya cooperation on migration has been based on the EU's urgent desire to prevent arrivals from this new point of departure. In line with EU cooperation on migration with Libya's North African neighbours, especially Morocco, cooperation comprises two central elements: first, to secure EU borders to prevent entry; and second, to return so-called illegal migrants to their countries of origin, or at least to the country of transit (European Parliament 2006).

This article explores a key aspect of this strategy, the policy of returns and readmissions, and considers whether these returns comply with the parties' international human rights obligations. It further examines other tactics used by the EU to reduce the numbers of arrivals from Libya, specifically attempts to prevent departures of boats of migrants from Libyan shores. It also analyses the extent to which these measures can be said to meet EU claims to be tied to humanitarian and human rights concerns and principles. Finally, it questions whether these strategies are likely to be effective in meeting the EU aim to stem the flow of arrivals in the Libyan context. To respond to these questions, it is critical to draw on a detailed understanding of the real-life experiences of migrants and refugees in Libya.[2]

1. An overview of EU-Libya cooperation on migration

Informal cooperation between the EU and Libya on migration has been developing gradually since November 2002. The EU has found ways to work around the lack of formal relations between the two parties which prevent full cooperation, akin to that established with other North African countries.[3] A key moment was in October

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[2] This article reports on research conducted over a six-month period in 2005 in Egypt, Italy and the Sudan. The research focused on a sample of sixty-five Egyptians, Sudanese, Eritreans, Ethiopians and Somalis, selected to represent a range of nationalities of refugees, asylum seekers and migrants entering Libya from its southern and eastern borders. The inclusion within the sample of asylum seekers, refugees and migrants provided the opportunity to draw comparisons between refugees and asylum seekers on the one hand, and migrants on the other. A research visit to Libya was initially envisaged, but proved not to be possible after my application for a visa was rejected by the Libyan authorities. The failure to access informants in Libya itself is not significantly detrimental to this study given that interviews within Libya put informants at risk of reprisals from the authorities, potentially compromising the value of the research. This remains true despite Libya gradually opening up to international scrutiny (e.g. visits by Amnesty International in February 2004 and by Human Rights Watch in May 2005).

[3] Since the late 1990s, Libya has begun a process of reintegration into the international community. However, relations remain informal as Libya is not party to the Euro-Mediterranean Partnership (or

2004 when the EU General Affairs and External Relations Council (GAERC, Conclusions on Libya, 11 October 2004) announced a new phase of relations with Libya, "a policy of engagement", after removing the 1986 EU arms embargo on Libya, and thereby enabled Libya to acquire military equipment for border surveillance (BBC 17 September and 8 October 2004). More recently, in October 2007, the GAERC agreed to "open discussions on an EU-Libya framework agreement which will include areas of mutual interest, such as human rights, migration among others …" (GAERC, Conclusions on Libya, 15 October 2007).

Since 2005, the EU has carefully framed its cooperation with Libya as being guided by humanitarian concerns and tied to human rights principles.[4] In June 2005 the European Council adopted conclusions on the initiation of an "ad hoc dialogue" and cooperation with Libya on migration issues, in recognition that full cooperation could not take place in the absence of formal relations between the two parties. It noted that:

> Cooperation between the EU and third countries is guided by principles of full respect for human rights, respect for democratic principles, the rule of law and the demonstration by those countries of a genuine commitment to fulfil their obligations under the Geneva Convention on Refugees or other relevant international conventions (European Council 2005*a*).

It further stated that the extent and development of cooperation with Libya will depend on its commitments on asylum and fundamental rights. Already in 2005, the EC had raised concerns about refugee protection and conditions in migrants' camps following two notable EC missions to Libya in 2003 and 2004 focusing on migration. The final mission report's recommendations set the direction for future cooperation (European Commission 2005).

This cooperation is developing against a backdrop of increased EU recognition of the need to tackle migration in a holistic manner, teaming security measures with those that will address development and human rights concerns. This is articulated in the "Global approach to migration: Priority actions for focusing on Africa and the Mediterranean", adopted by the Council in December 2005, and later in the EU-Africa Ministerial Conference on Migration and Development, hosted in Tripoli in November 2006. Yet the willingness and ability of the EU to pursue an integrated approach has been questionable from the outset, with early signs of the

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Barcelona Process), the framework governing political, economic and social relations between EU Member States and partners of the southern Mediterranean. Libya, the last of the southern Mediterranean countries to join the Barcelona Process, currently only holds passive observer status. The EU aims to involve Libya as a full partner. The European Neighbourhood Policy, adopted in 2003, further aims at intensifying existing cooperation between the EU and its southern Mediterranean partners on several areas, including migration management and border control.

[4] This human rights and humanitarian framework draws on the 2004 Hague Programme (for the years 2005–10), which seeks to achieve a more coordinated policy on asylum, immigration and border controls for the twenty-five EU member states. At the time of its adoption, the Council called on the EU to exert efforts to prevent the loss of life in the Mediterranean Sea as a result of attempts to enter the EU illegally.

continued prioritisation of security elements already apparent. An example is the debate held at the Justice and Home Affairs Council meeting in July 2006 on the "Global approach", in which the Executive Director of the EU Border Agency, FRONTEX,[5] updated the EU on its implementation and concentrated primarily on aspects such as coastal patrols and surveillance of maritime borders (European Council 2006).

2. Migrants and refugees in Libya: risk of detention and *refoulement*

Foreign nationals in Libya, who are thought to constitute approximately one quarter of the total population (IOM 2007), have long been subject to an unclear legal framework defining their legality or illegality in the country. Refugees and asylum seekers face additional problems given a near total absence of refugee protection and the subsequent risk of detention and *refoulement*. Before moving on to look at the process of detention and deportation, it is important to understand this broader context.

2.1 Absence of refugee protection

In effect, all foreign nationals in Libya are subject to the same laws without distinction for refugees and asylum seekers. Although there are brief references to refugee protection in Libyan legislation,[6] Libya has not developed its own national asylum legislation nor does it have administrative structures in place to deal with refugees and asylum seekers. In 2006 the Libyan authorities confirmed rumours that they are considering passing an asylum law, but as of October 2006 no draft had been put before the General People's Congress (Libyan Parliament) nor made public (HRW 2006*a*: 23; HRW 2006*b*: 10). This means that refugees and asylum seekers are not accorded special treatment, leaving them vulnerable to abuse.

In addition, Libya is not a signatory to the Geneva Convention on Refugees. However, it has signed the Organization of African Unity Convention on Refugees, which offers a broad definition of a refugee and obliges Libya to consider eligibility for refugee status within its territory. Regardless, the majority of those interviewed during this research did not consider applying for asylum in Libya to be a viable option. F., a recognised Ethiopian refugee in Italy, said, "I didn't think about staying in Libya because there is no life there. They don't give you any documents …. If you want to stay there you must do it illegally, I think, I don't know any other way." When faced with the possibility of remaining in Libya or trying to move on to Europe, many choose the latter, where they go on to apply for asylum. S.L., a southern Sudanese man granted humanitarian status in Italy in 2003, explained that, "you can't apply for asylum in Libya as a Sudanese national

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[5] In full: the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU.
[6] See Article 11 of the Libyan Constitution Proclamation of 1969 and Article 21 of Law 20 of 1991.

because they [the Libyan Government] tell you that Libya is your country. You are not a refugee; you are just a Sudanese national."

In these difficult circumstances, the UNHCR's role in ensuring refugee protection is severely limited. The UNHCR states that "… ad hoc migration management policies do not provide for the identification of and proper response to the needs of asylum seekers and refugees, including access to protection" and that it faces "significant operational challenges" (UNHCR Country Operations Plan – Libya, 2006). The UNHCR Tripoli office is still not officially recognised by the authorities, preventing it from operating under its full mandate. The office receives only a small proportion of potential asylum claims due to an unwillingness or inability on the part of potential asylum seekers to apply for asylum in Libya. Critically, the UNHCR is not granted access to places of detention, which denies it contact with detained refugees and asylum seekers and therefore increases the chances of *refoulement*.

In contrast, cooperation with the International Organization for Migration (IOM) is under way. In March 2008, the IOM opened its first "humanitarian centre" in Tripoli aimed at providing vulnerable migrants with medical assistance, support and counselling (IOM 2008). This took place within a broader programme of activities implemented since 2005, including the enhancement of three reception centres, with the provision of improved health services to migrants; assisted voluntary return programmes for irregular migrants, with social and economic reintegration assistance for returnees; information campaigns in countries of origin and transit, providing information on the dangers of irregular migration; and the initiation of dialogue between selected countries of origin, transit and destination (IOM 2005).[7] While these activities may go some way towards addressing irregular migration, the absence of a legal framework to protect refugees and the difficulty in accessing the asylum system makes them dangerous as returns may result in *refoulement*.

2.2 Unclear legal status of foreign nationals

Research findings suggest that the vast majority of refugees and migrants, in particular sub-Saharan Africans, enter Libya illegally or in fear of being illegal due to the lack of clarity over their legal status in the country (Hamood 2006; European Commission 2005). There seems to be no common understanding among foreigners in Libya of how to regularise their situation and little means of finding out, especially due to their reluctance to interact with the state. As a result, the majority of foreigners do not obtain the formal documentation necessary to regularise their stay. Even those who believe they are residing legally on a valid Libyan identification document have no guarantee of state protection and they too can be arrested and detained.

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[7] This was known as the Programme for the Enhancement of Transit and Irregular Migration Management (TRIM).

Law 6 of 1987 on the organisation of entry, residence and exit of foreigners in Libya, as amended by Law 2 of 1372 (2004)[8] stipulates that foreigners must have a valid visa to enter, reside in and leave Libya.[9] Those who violate the provisions of this law (Article 19 after 2004 amendment) – for example, by not obtaining the correct visa, violating the conditions of their visa or overstaying the duration of the visa – are liable to a prison sentence without fixed duration and a minimum fine of 1,000 dinars (approximately US$800). In August 2005 there were reports of an additional entry requirement obliging people to carry 500 dinars (approximately US$400) to cover their expenses during their stay in Libya (e.g. al-Bayan, United Arab Emirates, 19 August 2005; United Press International, 30 August 2005).

The 2004 amendments add specific reference to activities relating to irregular migration, notably smuggling migrants by any means, and creating, supplying or carrying false travel or identification documents. These activities are punishable by a minimum one year's imprisonment and a fine of no less than 1,000 dinars (Article 19 *bis*). While the amendments have introduced tighter penalties on illegal residence in and passage through Libya and for smuggling, these have not yet been matched by parallel legislative amendments to strengthen refugee protection.

The Libyan authorities have made some efforts to inform both foreigners and Libyan employers of the requirements for foreign nationals residing in the country and that a stricter application of the law will be enforced. On 10 May 2005 the official Libyan Jamahiriya Broadcasting Corporation reported a statement made by the Ministry of the Interior[10] notifying foreign residents that they must have "authorised visa entry or they will be sent back to their countries". Three documents are required to make a foreigner eligible for employment in Libya: "a legal visa, valid passport and authorised health certificate". The ministry stated its intention to take "appropriate action against anyone, even foreigners and people smugglers who violate legislations, including a prison sentence of more than a year, and a fine of more than LYD2,000". A contract for employment is also a requirement, but some flexibility was allowed for it to be obtained after arrival. The authorities reportedly reiterated the need for all migrants to obtain a work contract or face deportation in February 2007 (*Christian Science Monitor*, 13 March 2007). Raids are now reportedly shown on television to spread the message to as wide an audience as possible (ECRAN Weekly Update, 19 March 2007).

2.3 Risk of detention and ill-treatment

As a result of this ambiguity, refugees and migrants alike express a constant fear of being caught by the police, detained and possibly sent back to their countries of origin. At least hundreds, possibly thousands, are thought to be held in police

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[8] Copy of laws on file with the author.
[9] According to information obtained from the Libyan Embassy in Cairo in October 2005, Sudanese and Egyptian nationals do not require a visa but must travel with a valid passport.
[10] Formally known as the Secretariat of the General People's Committee for Public Security.

stations, prisons and migrant camps around the country.[11] Some are held temporarily for a matter of days, while others are left to languish in cells for months and even years, often without understanding the reason for and nature of their detention. Those arrested include men, women and minors.

In 2007, the Libyan authorities widely publicised their efforts to detain "infiltrators" or so-called illegal migrants. Figures of detained migrants, accused of trying to cross the Mediterranean, are usually published alongside figures of returnees. For example, the official Libyan news agency (Jamahiriya News Agency, JANA) reported that between 15 and 28 February 2007 the authorities had arrested 1,067 people and deported 1,299 others of varying nationalities. They claimed that "legal measures were adopted towards the infiltrators" without specifying further (JANA, 7 March 2007). In March 2007, IOM Tripoli reportedly said that police raids on migrants had increased since February 2007. However, it added that no written procedures were available nor were those subject to these regulations able to understand the reasoning behind them (*Christian Science Monitor*, 13 March 2007). Therefore, this apparent increase in arrests of migrants has not been matched by specific measures to ensure that those under threat better understand the laws governing their stay in Libya.

The detention of migrants is characterised by the lack of a formal process, the apparent arbitrary nature of the arrests, and a total deficit of information provided to the migrant as to the reasons and duration of their detention. Nearly half of the refugees, asylum seekers and migrants interviewed for this study were detained during their stay in Libya. In almost all cases, there were no formal charges of which they were aware. Throughout their time in detention, they had no access to a lawyer, nor were they presented to a judicial authority. In addition, to their knowledge, no trial took place to establish their guilt or innocence. Effectively cut off from the outside world, without the requisite safeguards of a lawyer or the opportunity of appearing before a judicial body, those who had been detained reported that they often faced beatings, insults and racist remarks from guards and difficult conditions in detention. The latter include insufficient quantities of food (which is of poor quality), overcrowding and unhygienic conditions.

2.4 Returns and the risk of refoulement

While in detention, migrants and refugees are threatened with deportation and possible *refoulement*. Like figures of arrests of "illegal migrants", deportations are also publicised by the Libyan authorities. In November 2006, Libyan Interior Minister Salah Rajab reportedly announced that Libya had returned 64,330 irregular migrants over 2006 (ECRAN Weekly Update, 19 March 2007). Official

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[11] Little information exists about camps for migrants in Libya and given that the majority of refugees and migrants interviewed in this study were unable to explain precisely where they were detained, knowing neither the name nor exact location of the place, it is very difficult to obtain information about these camps from refugees and migrants themselves. Limited information on the camps for migrants can be found in European Commission (2005) and HRW (2006*b*).

Libyan statistics obtained by Human Rights Watch (2008) show that Libya repatriated approximately 145,000 foreigners between 2003 and 2005. The deportation of foreigners is not a new phenomenon and over the years Libya has carried out deportations of people on a collective basis, often according to their nationality, to coincide with deteriorating political relations between their country of origin and Libya, or following a decline in the economic situation.[12]

In recent years, both voluntary and forced returns of nationals from different countries from Libya to their countries of origin continued to be reported and at times threatened on a wide scale. In January 2008 human rights organisations raised the alarm over Libya's announcement that it would immediately expel all undocumented foreigners given the lack of differentiation between migrants on the one hand and refugees and asylum seekers on the other (HRW 2008; AI 2008).

While the Libyan authorities have a legitimate right to deport those residing illegally in the country, it is clear that the manner in which deportations are carried out fall short of the minimum necessary to ensure that *refoulements* do not occur. Since 2004 several instances of *refoulement* have been documented (e.g. AI 2004; Hamood 2006), although the lack of consistent monitoring of deportations suggests that many more are likely to have occurred. An examination of the deportation procedure reveals a flawed process in which no thorough individual assessment is carried out and there is no opportunity for the individual, regardless of their country of origin, to access UNHCR and therefore the asylum procedure once in detention (Hamood 2006).

The findings of a 2004 EC delegation confirmed this, concluding that "[t]he decision to return illegal immigrants to their country of origin seems to be taken for groups of nationalities rather than having examined individual cases in detail." (European Commission 2005: 14) "The mission [of the European Commission] was informed [by the Libyan authorities] that administrative procedures and paper work for the purpose of identification is conducted, including involvement of concerned national consulates, concluded by a decision taken by the Head of the "Commission for deportation" in Tripoli. However, the mission expresses doubts about the systematic implementation as well as the efficiency of this procedure …. Finally, no individual order of deportation seems to be taken" (European Commission 2005: 35).

Those interviewed in the context of this study were unable to rationalise the procedure of how the decision to deport a particular person or group of people is taken. The interviews confirmed that there is no individual identification procedure beyond asking the person's name, parents' names and country of origin. The explanation of Sudanese national H.S., who spent nearly one year in Libya

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[12] For example, Tunisians faced no less than eight expulsions and three waves of large-scale returns between 1966 and 1985 (Grimaud 1994, quoted in Pliez 2004).

returning voluntarily in May 2005, reflects the descriptions given by several other interviewees:

> It all depends on the period of time you are there: sometimes it is easy to enter and people arriving by the desert trail, even those without proper documentation, enter from the *bawaba* (gate); at other times, you must bypass the *bawaba* and enter illegally. It is not clear what is needed in order to make your stay legal. One day the police will ask you for one particular document, like your passport, and the next day you'll be asked for something else, say the health certificate. It's hard to know which is necessary, for whom, when and why.

2.5 Collective forcible returns of Eritrean nationals[13]

On 21 July 2004, 110 Eritrean nationals were returned from Libya to Eritrea, where they were at risk of torture. On arrival, they were arrested and reportedly held *incommunicado* in detention – that is without access to the outside world – in a secret prison (AI 2004). Until today, there is no news of their fate and whereabouts.

With this in mind, a group of seventy-five Eritrean men, women and children, who were being returned from Libya to Eritrea by military transport on 27 August 2004, hijacked their plane, forcing it to land in Khartoum (Sudan), and demanding the presence of the UN for their protection.[14] As one of them explained to me, "What was waiting for us in Eritrea was nothing but death. What we did was for our safety. We did not beat or hurt anyone; we just did what we had to because we knew that on landing in Asmara Airport we would be greeted by death." On arrival in Khartoum, sixty of them applied for asylum and all were recognised as refugees.

The fifteen others were identified as the hijackers and detained on arrival. They were finally sentenced to two years' imprisonment by the Supreme Court after their initial sentence of five years was reduced. Their final sentence carries an expulsion order. Several of the fifteen men are married to women who were also on board the aircraft and were recognised as refugees after it landed in Khartoum. They had all been arrested in Libya at different times and spent several months in detention prior to their deportation. Like many others, they complained of ill-treatment in detention, including regular beatings particularly for the men, and of a lack of access to legal counsel or due process.

An examination of the process of deportation reveals that no consideration appears to have been given to the risk the men and women would face if returned to Eritrea. Ten of the passengers were recognised as refugees in the Sudan before travelling to Libya. One such individual, M.M.T., moved to Libya to earn money to send home to her family. She said that while in detention, she showed her refugee document to an official who apparently responded that he did not know what this was.

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[13] For other cases of deportation and risk of *refoulement*, see Hamood (2006: 35–40).

[14] I interviewed several of the passengers in the context of this study in addition to staff of UNHCR Khartoum, the Sudanese Commission on Refugees and the *SUWEIRA Centre for Human Rights*, an organisation working on behalf of Eritreans in the Sudan.

The sixty men and women granted refugee status in Khartoum should have been given the opportunity to claim asylum in Libya or at the very least not returned to their country of origin. In contrast, they were not given access to an asylum procedure and some were further put at risk through identification by an official from the Eritrean Embassy while in detention in Libya. A.I. described being visited in detention by an official from the Eritrean Embassy and the Head of the Passport Office who informed them that they would be returned to Eritrea. The official apparently told him that "his time was up". In front of this official, he asked the Head of the Passport Office to arrange for a UNHCR representative to visit him in prison. The response from the Head of the Passport Office was apparently to say that he did not know anything about refugees or the UNHCR. At this juncture, it is important to recall that UNHCR Tripoli does not have access to places of detention, including to those places which serve as deportation centres.

The rest of the group, who were detained elsewhere in Libya, faced different but similarly arbitrary procedures. In their case, their nationality was apparently determined merely on the basis of their own assertion. According to those interviewed in the context of this study, some of the Eritreans detained at the same time as those deported avoided deportation by claiming to be from Ethiopia. B.M., an Eritrean national, confirmed that he managed to escape deportation with the group of seventy-five by falsely claiming to be Ethiopian. On the other hand, one of those on board the hijacked plane was an Ethiopian woman Y.T., who would have been returned to Eritrea had the plane arrived at its intended destination. She was married to an Eritrean and it therefore seems to have been assumed that she was of the same nationality.

This case reflects an ongoing danger faced by thousands of foreigners in Libya. In July 2007, Human Rights Watch (2008) received information that the Libyan authorities had detained some seventy Eritrean men and threatened them with deportation. A number of them are said to have fled military conscription in Eritrea, exposing them to possible torture if returned to their home country.

3. Italy/Libya cooperation sets the tone for a policy centred on border control and surveillance

It is in this context that the EU and its member states, notably Italy, develop their cooperation on migration with Libya. In reality, bilateral cooperation between Libya and Italy seems to sideline these factors and to follow a two-pronged strategy of returns of undocumented migrants and increasing cooperation with Libya with a view to enhancing its capacity to control its borders. This is presented as both preventing irregular arrivals and as the main strategy to prevent deaths at sea and in the desert and appears to have set the tone for EU policy.

Since 2000, Italy and Libya developed close cooperation on migration. Italy has established collaborative working relations between Libyan and Italian police, provided Libya with training and equipment, in particular to assist border

surveillance and management, and pledged millions of euros for border control equipment (European Commission 2005: 58, 63; *Corriere della Sera*, Italy, 27 May 2005). Relations were further enhanced in December 2007 with the signature of a partnership agreement to intensify cooperation to fight organised crime and in particular illegal immigration. Official Libyan media reports that the agreement includes measures to improve the management and coordination of training and operational aspects of joint maritime patrol aimed at intercepting boats and to continue joint field action (several articles published by JANA on 29 December 2007). Yet reports indicate European malaise with Libya's alleged lack of adherence to past agreements and its apparent resistance to allow FRONTEX patrols to enter its territorial waters (*Times of Malta*, 11 July 2008; Malta Independent Online, 30 August 2008).

3.1 Readmissions, returns and the risk of refoulement from Italy

Although Libya and Italy have not signed a readmission agreement, they appear to have reached a verbal agreement on returns, which has allowed Italy to restrict entry into its territory by carrying out a series of collective expulsions. These took place between 2004 and 2006 at times when large influxes of foreign nationals arrive at Lampedusa. The two main instances took place in October 2004 and March 2005 and were followed by smaller-scale deportations, such as those in May and June 2005 (see Hamood 2006: 68–72 for a fuller account). On each occasion, individuals of different nationalities were deported to Libya. Some were detained on arrival in Libya, without access to UNHCR and where they risked torture or ill-treatment and others were returned to their countries of origin, where they too risked serious human rights violations. In many cases, the fate of those returned to their country of origin remains unknown. In addition, Italy has financed a programme of charter flights for the repatriation of so-called illegal immigrants from Libya back to their countries of origin, returning 5,688 individuals over 2004 (European Commission 2005: 61–2). To facilitate returns, Italy has also financed the construction of a camp for illegal immigrants in northern Libya, apparently in line with European criteria; two additional camps in Kufra and Sebha, southern Libya, are envisaged (European Commission 2005: 59).

Since April/May 2006, collective expulsions appear to have ceased. The IOM claims that "[f]orced returns from Lampedusa to Egypt, Morocco or Libya stopped in April, when IOM opened its office at the centre" (IOM, 12 December 2006). A shift in policy may also be linked to the coming to power of a new government in Italy in April 2006. Shortly after their victory, the under-secretary for immigration in the Ministry of Interior, Marcella Lucidi, announced on 24 May that "there will be no more expulsions of immigrants to those countries that have not signed the Geneva Convention, and among these Libya …" (HRW 2006*a*: 112). The public condemnations by a range of actors, notably the European Parliament and international human rights organisations, may also have played a pivotal role in the apparent change in policy.[15] However, it is difficult to know whether these

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[15] For example, "Resolution on Lampedusa", 14 April 2005 (European Parliament 2005*a*).

deportations are perhaps now taking place at an individual level and therefore go undetected. In any case, the EU is resorting to other tactics to prevent arrivals to its territory by increasing patrols at sea and counting on Libya to prevent departures.

3.2 Examples of collective expulsions

The manner in which the 2004–06 deportations were carried out violates Italy's national and international obligations, particularly with regard to the right to seek asylum and the principle of non-*refoulement* (e.g. International Federation for Human Rights (FIDH) 2005; European Parliament 2005*b*). In October 2004 and March 2005, UNHCR was granted delayed entry to the "temporary stay and assistance centre" (CPTA),[16] in which migrants and refugees are first held before they are either transferred to CPTAs in other parts of the country for further processing of their case or deported. This meant that by the time they were given access, most people had already been deported. In October the UNHCR was only granted access to the centre five days after its original request for access and after over 1,000 people had already been returned to Libya. In March 2005, UNHCR Tripoli reiterated that it still did not have access to the places of detention where those returned in October 2004 were held (UNHCR 2005*a*).

In October, in its preliminary evaluation of the returns, the UNHCR said that "the rushed method used to sort out the incoming persons by nationality has not allowed individual persons from all national groups concerned to claim asylum" (UNHCR 2004). After field research conducted in Italy, the FIDH added its voice of concern about the speed of the process and about the process of identification of the arrivals. "It appears the 'identification' was essentially based on the intuition of the two interpreters present (a Moroccan and a Tunisian) to accord to the migrants a different nationality than that claimed." This apparently arbitrary system was used to declare that the majority were Egyptian, although many claimed to be Palestinian.

In March 2005 a further violation occurred when the Italian Minister of the Interior informed parliament that Libyan officials had been allowed entry into the CPTA to help Italian officials to identify human traffickers. In addition to voicing similar concerns to those raised in October 2004, the UNHCR condemned the access given to Libyan officials because "[i]f there was any Libyan asylum seeker in the group, this would run counter to basic refugee protection principles, and could create valid refugee claims *sur place*" (UNHCR 2005*b*).

3.3 Preventing entry to the EU

Deportations have been accompanied by EU efforts to increase its own and the Libyan capacity to prevent people from leaving the Libyan coast by boat. Since

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[16] Known in Italian as Centri di Permanenza Temporanea e Assistenza (CPTA). The treatment of foreign nationals in CPTAs, including the one in Lampedusa, has raised concerns among international and Italian human rights organisations. For more information, refer to Amnesty International (2005) and FIDH (2005).

July 2003, the Italian navy, operating under a decree from the Ministry of the Interior, has been allowed to carry out interceptions at sea. The navy is tasked with intercepting boats of migrants and asylum seekers and trying to force them back to the territorial waters of the countries from which they came. However, the decree does not consider the responsibility of its officials to address any protection needs of persons on board (HRW 2006*a*: 113). In September 2006 Italy announced an agreement to deploy its police in Libya along the coastline to help Libyan law enforcement prevent boat departures (HRW 2006*a*: 13). At the same time, Libya has been resisting the idea of sea patrols close within its territorial waters and has denied access to FRONTEX, forcing the patrols to operate in international waters close to the Libyan coast (*Malta Independent Online*, 8 April 2007).

Further measures were outlined in the June 2005 conclusions (European Council 2005*b*), including calls to initiate specific operational actions at sea, including joint sea operations for which EU Member States' vessels and aircraft should be made temporarily available; send EU Immigration Liaison Officers to sea ports and Tripoli International Airport; and improve border control at the airport. In May 2006, former European Commissioner Franco Frattini announced that a field mission would be sent to southern Libya later in the year to assess possibilities for EU assistance to prevent entry at Libya's southern borders, mainly involving an assessment of the logistic needs of the Libyan police (European Council on Refugees and Exiles, 26 May 2006).[17]

Such measures were also seemingly at the heart of discussions at a seminar organised by the EC on 20 July 2005 under the title of "saving life at sea and in the desert". Despite the apparent focus on humanitarian concerns, a closer reading of the conclusions suggests that discussions between the EU and Libya dealt almost exclusively with developing methods to strengthen Libya's border surveillance. According to the conclusions, in late 2005 a joint EU-Libya committee was scheduled to discuss the following: the establishment of a contact network with round-the-clock coverage; a joint search and rescue plan with emphasis on an "inventory of technical requirements"; joint search and rescue exercises; joint training for external border management, search and rescue and asylum and protection issues.[18] Despite the mention of asylum and protection issues, including the role of the UNHCR, there was no detailed development of the exact means to be used by the EU and Libya to save the lives of those intercepted at sea or in the desert. Importantly, there is no mention of the means to be utilised by the EU and Libya to ensure that the right of those intercepted at sea to seek asylum is guaranteed and that the principle of non-*refoulement* is upheld.

As noted above, although the EU has framed its cooperation with Libya within humanitarian and human rights concerns, when examined in practice it appears to

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[17] By the end of 2006 this mission had still not taken place.

[18] Agreed conclusions of seminar on "saving life at sea and in the desert" held in Malta on 20 July 2005, published by the Maltese Government's Department of Information (http://www.doi.gov.mt/en/press_releases/2005/07/pr1102a.doc).

be pushing forward a security agenda without insisting on corresponding action on other aspects. Consequently, as shown above, few if any human rights improvements have been implemented by Libya since the initiation of cooperation.

4. Border control and surveillance: effective tools for reducing migratory flows?

The EU's prioritisation of border control and surveillance is built on the premise that insufficiently managed migration flows not only allow greater numbers of people to enter the EU but also result in loss of life (European Council 2004). However, numerous studies have challenged the notion that increased border control and surveillance bring about a reduction in the numbers of arrivals to the global North (e.g. Andreas 2001; Castles 2004). Rather, increased border restrictions relegate refugees and asylum seekers to the status of "illegal", leaving them with little choice but to take ever more dangerous routes and place their lives in the hands of smugglers (e.g. Morrison and Crosland 2001).

A security approach fails to take into account the realities on the ground and in particular the experiences of migrants and refugees themselves. First, it disregards Libya's vast land and sea borders,[19] the expanses of desert at most land borders and the absence of demarcation in many locations, which will probably render border-control efforts largely symbolic. Moreover, most inhabitants of Libya's desert border regions, who move fluidly between Libya, the Sudan and Chad, pay little heed to these borders which they view as an artificial construct.

Second, this approach does not recognise the extreme lengths that both refugees and migrants will go to in order to reach Europe (see Hamood 2008). The findings of my research show that the overwhelming majority of refugees and migrants are aware of the risks of life in Libya and of the journey to Europe prior to travel. Both refugees and migrants describe a sense of compulsion as they try to escape the political, economic and/or social situation of not only their countries of origin but also asylum or transit. This is borne out for almost all the Egyptians and sub-Saharan Africans that I interviewed, some of whom further explained that they decided to move on to the EU due to the unpredictable and uncertain nature of life in Libya. S.L., a southern Sudanese respondent, summed up the feelings of many others, saying that he left Libya, "because the situation was very difficult. Living there, you are always scared that one day they will kill you just like a dog and there is nothing that can be done." An awareness of the risks, including the prospect of death, does not appear to deter the vast majority of people.

Even the experience of terrible hardships, including detention and deportation, is often not a sufficient deterrent. Two Egyptian migrants I interviewed revealed a determination to reach Italy despite having been deported from Libya and Italy respectively. Y.S. was sent back from Libya in 2004 and although he says he never

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[19] 4,400 km of land borders with six countries and 1,770 km of coastline.

wants to return to Libya having been detained there, he was determined to travel to Italy again through another route. A.A. was detained in Italy for five days in 2001 after flying in on falsified travel documents. In 2004 he made a second attempt and was detained and deported from Libya after trying to get to Italy, this time by boat.

5. Conclusion

In May 2006, former Commissioner Franco Frattini reportedly expressed his satisfaction at Libyan cooperation on immigration (European Council on Refugees and Exiles, 26 May 2006). Three years after the initiation of the "ad hoc dialogue" and cooperation with Libya on migration, and a commitment by the EU to ensure respect for human rights and refugee protection, the EU appears to be failing to link cooperation to steps by Libya to improve its current legal framework and treatment of refugees, asylum seekers and migrants. An examination of developments in Libya demonstrates that the Libyan authorities have failed to take measures to improve the situation of refugees and migrants.

The lack of positive action to address human rights issues leads to scepticism over the extent to which the EU has accounted for the finding of the EC technical mission to Libya that, "in practice, international protection of refugees is not assured" (European Commission 2005: 13). It also makes the assurances, given by the European Council in November 2004, that support and cooperation with transit countries on migration will be tied to a demonstration of the "genuine commitment to fulfil their obligations under the Geneva Convention on Refugees" appear hollow.

As this article demonstrates, the two most elaborate aspects of EU-Libya cooperation to date are the policy of returns and readmissions and that of preventing boat departures from the Libyan coastline. On a more positive note, Italy appears to have put an end to its practice of collective deportations since mid-2006, but deportations from Libya continue to be reported. These policies and practices not only violate international human rights standards but are also likely to meet with failure.

The EU has recognised the need to adopt an integrated approach to migration across the board but has yet to meet its objectives in practice. In addition to the long-term objective of addressing the root causes of migration, urgent measures need to be taken to strengthen legislation and safeguards in countries of origin and of asylum or transit. Clearly, a multi-pronged approach is complex to implement, but only then can border control and surveillance measures be both more effective and adhere to EU values and international commitments.

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Repatriation of Afghan and Iraqi Refugees from Iran: When Home is No Longer Home

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The Islamic Republic of Iran hosts the largest refugee population in the world. The 2001 national census figures included approximately 2.55 million documented refugees. The numbers for 2007 are different: there are 1,025,000 refugees and asylum seekers in the country. Among them are 940,400 Afghan refugees and 54,400 Iraqi refugees, the two largest refugee communities living in Iran. They are difficult to locate as they not only live in camps but also in cities, at the margins of Iranian society. These refugees were tolerated by Iran until the immigration policy shifted to the decision to repatriate them to their home countries, Iraq and Afghanistan. Iran has signed a tripartite agreement with Afghanistan and the United Nations High Commissioner for Refugees (UNHCR) for the repatriation of Afghan refugees on a voluntary basis. The plan for repatriation of Iraqi refugees has been set up by the UNHCR alone. While the repatriation programme for Afghanistan is still going on, the repatriation plan for Iraq has been suspended because of the instability and violence in the country. The living conditions for Afghan and Iraqi refugees have become incredibly difficult in Iran and most of them choose the voluntary repatriation option. However they often find desolation, war, insecurity and unemployment on their return. This raises questions about the sustainability of repatriation programmes in a country at war such as Iraq and in an unstable country such as Afghanistan. This article, based on extensive fieldwork carried out in Iran, explores pre- and post-return conditions for Afghan and Iraqi refugees: how do they live in Iran? What are the options given to them regarding their future in Iran? What are their conditions after repatriation?

After the three main waves of arrivals in 1980, 1991 and 2003, the Islamic Republic of Iran hosted up to 500,000 Iraqi refugees (Ashraf 2003). The country today hosts some 50,000 Iraqis (USCRI 2006). They tend to concentrate in areas bordering their homeland. A minority of Iraqi refugees live in the eleven remaining camps. The largest camp of Iran, Ashrafi Esfahini in Khuzestan province, was dismantled in 2004 and its occupants were repatriated to Iraq (UNHCR 2003*b*).

The Iraqi refugees arrived in Iran over three decades. The flow began in 1975: Iraqi Kurds were forced to leave some zones when an agreement between Saddam Hussein and the Shah of Iran allowed Baghdad to crush Kurdish rebellions. Afterwards, and from 1980 until 1981, some 200,000 Iraqis, the Faili Kurds, were expelled by their own government: the latter claimed that they were descendants of Iranian immigrants and not of Iraqi citizens (USCRI 1999). These people were actually descendants of the Iranian clergy and pilgrims who had settled in the religious centres of Iraq in the eighteenth century (Izady 1992). They were accused of collaboration with Iran during the war between Iraq and Iran. Their forced departure for Iran was quite tragic: they could not speak Persian, they had to leave in a hurry and their assets and goods were confiscated by the Iraqi Government.

With the Iran–Iraq war, more people fled across the border, mainly from the Kurdish and Shia areas of Iraq. At the same time, Iran had to deal with many internally displaced persons (IDPs) fleeing the war: Therefore the Iranian Government had to cope with an important number of Iranian IDPs concurrently with Iraqi refugees. During the Iraqi occupation of Khuzestan, the government had to shelter 1.5 million IDPs and refugees. As a consequence, the Iranian authorities built up camps in Shiraz, Tehran and other cities to house all these people.

Iraqi Kurds, largely Sunnis, fled to Iran following the Anfal campaign (i.e. the chemical bombardment of Halabja) in 1988. In 1991, during the first Gulf War, 1.3 million Iraqi refugees poured over the border to escape the fighting when Saddam Hussein's invasion army was forced to withdraw from Kuwait and when rebellions against his rule erupted in southern Iraq. Between 1992 and 1994, more people crossed the border due to the destruction and the drainage of the Marshlands. Around one-fifth of the estimated half million Marsh Arabs then lived in Iranian refugee camps (Dabrowska 2000). In 1999, tens of thousands of Iraqis fled to Iran after the assassination of Mohammed Sadiq al Sadr, the prominent Shia religious leader, fearing new persecutions.

An important arrival of refugees was expected with the war in Iraq in 2003. The Government of Iran opened nineteen new camps under the supervision of Médecins Sans Frontières and the UNHCR at the border with Iraq. As the border area was littered with tanks, landmines and remains from the 1980–88 conflict, it had to be thoroughly cleared before the establishment of the camps. The UNHCR donated US$1 million for the costs and spent US$8 million to stockpile relief items. These items were initially supposed to help Afghan refugees in Iran (UNHCR 2003*b*). In the end, the war in Iraq caused more internal displacements (IDPs) than refugees. There were waves of refugees as the war went on, but most of them flew to the Syrian Arab Republic and Jordan, which are Arabic-speaking countries, rather than to Iran.

Soon after the beginning of the war in Iraq, the UNHCR launched a repatriation programme. Most Iraqi refugees had lived in Iran for two decades before going back home on a voluntary basis. The UNHCR realised that the Iraqi community

was actually looking forward to going home (UNHCR 2003*b*). There were some issues pertaining to their repatriation and the programme had to be suspended. For example, citizenship of these refugees is sometimes questioned, as both states, Iran and Iraq, claim sovereignty over them or, on the other hand, reject them (USCRI 1999). Those who were able to prove that they have family ties in Iran were granted Iranian citizenship.

1. The Afghan community

Afghans have been streaming into Iran for decades, fleeing war, drought, extremist leaders and economic crisis. They can be located throughout the country. These Afghans are mostly from the Shia community, the *Hazarat*. There are also Tadjiks and Turkmens from the north of Afghanistan. Some come from Herat, a region that borders Iran.

Many Afghan refugees arrived after the 1979 Soviet invasion: they were fleeing the fighting between Afghan resistance groups and government forces assisted by Soviet troops. The Iranian Government began developing specific policies regarding Afghan refugees as early as 1984. Iran received no international help to support these refugees. The government opened several camps close to the Afghan border and tried to shelter and feed the refugees. As the camps were located near cities, the inhabitants of these camps benefited from municipal services such as access to water and free schools (for registered refugee children only) (UNHCR 2005*b*). Soon Afghan men left the camps for the cities to find work and their families stayed behind. At first, the police would catch them and bring them back to the camps. But the Iranian Government understood the economic interest of having refugees doing the lowest social jobs and refugees were free to move. Besides, the policy of open doors was justified by the idea that a jihad was taking place in Afghanistan; consequently Iran had a duty according to Islamic brotherhood to host Afghan refugees, which explains the tolerance towards them.

There was another wave of refugees when civil war broke out in Afghanistan in 1992. As these new refugees were not fleeing religious persecution, the Iranian Government classified them as regular refugees, according to the 1951 United Nations Convention relating to the Status of Refugees to which Iran is a party, and was less tolerant of them than of the previous refugees (Abbasi-Shavazi et al. 2005). The next wave of refugees arrived between 1994 and 2001 due to Taliban rule. In 2000, almost a quarter of a million Afghans sought refuge in Iran. The refugee crises heightened when the United States invaded Afghanistan and the stream continues today. Afghan people enter Iran in order to flee insecurity in their country.

Most of the refugees who reach Iran are in a terrible state because of the drought, starvation and the long and dangerous trip, as well as war. They suffer from tuberculosis, dysentery, bronchial affections or skin diseases. Most of these

diseases had been eradicated in Iran so the government had to take health measures to avoid propagation.

Torbat-e-Jam refugee camp is probably the most important Afghan camp. It is located in Khorassan province, about 150 km from Mashhad and 70 km from the Afghan border. Built ten years ago with a capacity of 10,000 people, it looks more like a housing complex than a refugee camp (IRIN 2004). It houses about 7,800 Afghan refugees, mostly *Hazaras*. Two sections of the camp share a health centre and a school. There are avenues, parks, a football field, a gym and a bazaar. The third section, made up of tents, is the deportation section; it is here that Afghans who are apprehended and found without documents are brought pending their deportation.

Refugees who have left camps live in villages and cities. For example, Niyatak is a refugee-village built in the traditional style, close to Zabol. It hosts 5,000 refugees. The different tribes have ensured the construction of the houses. Most of the men in the camps do not work as the drought has stopped all labouring and harvesting activities in the region (Michel 2001).

Then there are deportation camps: undocumented Afghans are gathered there until they are deported back to Afghanistan. The detention camp of Adimi, near Zabol, is an illustration: Afghans who have recently crossed the border and are undocumented are gathered there after their arrest. The refugees will be sent back/deported to Afghanistan, in violation of the Convention of 1951. There are other deportation camps such as Ghagharouk or Mile 46 inside Afghanistan. These camps have been set up by the Iranian Government inside Afghanistan, just like the camp of Makaki.

In 2006, there were some 26,000 Afghan refugees living in camps. This means that only 5 per cent of Afghan refugees still live in camps today (Roy 2000). In comparison, 54,000 Iraqi refugees remain in Iran and only 5,000 live in twelve refugee camps (UNHCR 2007*b*).

2. Refugees and Iranian law: new laws and the new refugee policy

In March 2001, the Iranian Government decided to close its border with Afghanistan in an effort to curb drug smuggling and flows of refugees. It spends US$18 million every year to keep that border closed and under scrutiny. In order to contain the arrivals, refugee camps such as Makaki camp and Mile 46 were established several kilometres inside the Afghan border, although the UNHCR disagreed with this closure of the border and the opening of Iranian camps inside Afghanistan. It has asked Iran to keep its borders open, as international UN staff are currently barred for security reasons from crossing into Afghanistan. The camps inside Afghanistan are not safe and have been the targets of US-led military strikes. For example, at one time, hundreds of refugees were stranded for days around Makaki camp, which was filled beyond capacity. Some of the refugees

were forced to sleep out in the field, where their security was not assured. Makaki camp is indeed near a Taliban-controlled area (HRW 2002*b*). The area was susceptible to bombing and refugees were prey for Taliban seeking new recruits. In the other camp, Mile 46, children have died because of the poor health conditions. Eventually the sanitary situation was such that the Iranian Red Crescent moved the Afghans to another place in order to register them and make sure that they had access to healthcare (OCHA 2001).

Concomitantly, the Iranian Government took various legal measures to encourage refugees to leave Iran. Laws are constantly enacted to restrict the activities of illegal immigrants as well as those of documented immigrants. On 22 June 2001, the Ministry of Labour and Social Affairs made employers of foreign illegal workers subject to heavy fines and imprisonment. Many small businesses employing Afghans were shut down. Afghans with residence cards were permitted to work in sixteen categories of mainly manual work (Abbasi-Shavazi et al. 2005). These regulations affect refugees harshly. Many of them have gone back to the camps, which was the aim of the Iranian administration. There is indeed a general pressure for refugees to leave the country: The Iranian Government has taken various legal steps to induce departures, cutting down on the help, support and advantages illegal and legal immigrants have been granted until now, aiming to make it less attractive for them to extend their stay in Iran (IRIN 2005*b*). Concurrently, the UNHCR has ended all its support programmes relating to Afghan refugees. The rationale is that Afghan refugees should return home now that the Taliban are gone from power. The situation for Iraqis is different and they still benefit from the help of humanitarian organisations as they cannot go home for the time being.

3. Registration of refugees

Some Afghan refugees hold white refugee documents. Most of these documents, which use the correct word for refugees, *panahandegan*, were issued in the pre-revolutionary period.[1] The white card, actually a booklet, provides greater rights and benefits than the *mohajerin* blue cards (see below), such as exemption from taxes, the right to work, and the right to obtain travel documents; but it also requires holders to renew their status every three months and to report movement and residence to the authorities. Since the Islamic revolution, the government has continued to issue white cards on an irregular basis, mostly to highly educated individuals and established professionals, and more often to Iraqis than to Afghans (USCRI 1999).

Between 1979 and 1992, refugee status used to be granted to incoming Afghans on a prima facie basis. Indeed, from 1979, Afghan refugees entering Iran were called *mohajerin* or "involuntary religious migrant" (Turton and Marsden 2002). The

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[1] The label is essential. Indeed a *mohajerin* is an honourable term while the notion of *panahandegan* has in Persian a derogatory meaning (Rajaee 2000).

Islamic principle of *hijrat* asserts that Muslims fleeing their own country on the grounds that they are unable to properly practise their faith deserve the status of *mohajerin*. This was the case for the Afghans fleeing communism at a time of jihad (Rajaee 2000: 44–63). These refugees were issued blue cards indicating their status as *mohajerin*. Blue card holders were granted indefinite permission to stay in Iran legally. Until 1995, blue card holders had access to subsidised healthcare and food, and free primary and secondary education; but they could not own their own businesses or work as street vendors, and their employment was limited to low-wage, manual labour. All these social advantages ended in 1995. One of the issues with the blue card is that the duration of stay is not specified, so the card can be revoked at any time. Sometimes, the authorities have removed blue cards from holders in order to deport them, especially when the holders are living with undocumented relatives.

After the civil war broke out in 1992, Afghans entering the territory were no longer considered as *mohajerin* but as refugees, *panahandegan*. The new war was occurring between local factional parties and Afghans were no longer victims of religious intolerance. After 1993, the Iranian Government started issuing temporary registration cards to undocumented or recently arrived Afghan refugees to register them for repatriation (Abbasi-Shavazi et al. 2005).

There is another category of Afghans (*Karegar-e Fasli* or seasonal workers) entering the Iranian territory: temporary labour migrants. They cross the border to find seasonal job opportunities in Iran and the family stays in Afghanistan (USCRI 2004).

In 2000, the Iranian Bureau for Aliens and Foreign Immigrant Affairs (BAFIA) conducted a major exercise in registration of all foreigners. It then issued certificates to documented foreigners that superseded all previously issued documents, which became null and void. These new documents took away many former rights such as access to healthcare.

Recently, the authorities stopped registering Afghan refugees. Contrary to the UNHCR Executive Committee (ExCom) Conclusion No. 91 on the registration of refugees, Iran refuses to register new arrivals from Afghanistan.[2] Instead Afghan refugees are labelled "economic refugees" (HRW 2002*b*) therefore they cannot be eligible for any economic assistance from the government. Thus, new migrants are denied refugee status. Some documented refugees hold an *averagan* (vagrant) card, rather than refugee status, and many of them have no documents at all. These undocumented people live in hiding, in fear of being caught by the police and sent back to Afghanistan. They have no access to healthcare, education or work opportunities (USCRI 1999). The Iranian police know where to find them. The

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[2] ExCom Conclusion No. 91, "Registration of Refugees and Asylum-Seekers" (2001), specifically requests states "to take all necessary measures to register and document refugees and asylum seekers on their territory as quickly as possible". This request is made after ExCom "acknowledges the importance of registration as a tool of protection, including protection against *refoulement*".

police even have a special squad made up of women to investigate "alleged female rooms", which are separate rooms where only women live and are allowed to enter, and where illegal Afghan males try to hide as the Iranian male police officers cannot enter (*Bad Jens* 2001). During the police raids, hundreds of refugees have been arrested and deported. Some of them were documented refugees caught up in the wave of arrests. The UNHCR is now able to secure the release of documented refugees caught in these raids while not carrying their papers (USCRI 2006).

Most undocumented refugees found by the police, and even some with papers, are deported on a regular basis. Iran is therefore not respecting the obligations contracted under the Refugee Convention, and is in particular in breach of Article 33 relating to non-*refoulement*. Indeed the rule is that the country cannot return a refugee in any manner to a territory where his or her life is threatened. This means that involuntary repatriation of those in need of protection should not happen.

In general, Iraqis receive a green card, which is comparable to the blue card issued to Afghans. However new measures have barred them not only from working but also from accessing education or medical treatment.

4. From crisis management to migration management

Since the 1980s, voluntary repatriation has been promoted by governments, non-governmental organisations and United Nations agencies as the ideal last-resort solution for refugees (Ghanem 2003). In their rush to repatriate the refugees, organisations have often disregarded the impact that repatriation has on refugees and how they live this process. Indeed someone who "goes back home" is often not welcome there; in addition, it is very difficult to "de-refugise" a human being. Someone who has been uprooted and displaced finds it difficult to relocate, whereas for organisations it is a normal ending to "re-root them"; the return home is perceived as the end of the refugee cycle. This assumption is problematic in the case of refugees from Iran. The main aim of the Iranian Government and the international organisations is to successfully handle the return of refugees and turn the current situation into successful state crisis management. In practice, the return does not go smoothly for returnees.

4.1 Before 2002

For decades, the Iranian Government has been tolerant, keeping its doors open to refugee arrivals. It has also provided documented refugees with free primary education, free healthcare, and allowed them to benefit from state subsidies (USCRI 1999). One of the reasons for this was the financial and economic advantage that refugees represented for the country. At the beginning of the 1990s, Iran had some domestic economic and social concerns that had an impact on refugee policy, which shifted from accommodation to an emphasis on prevention and repatriation (Rajaee 2000).

In 1998–99, the first deportation programme was launched by the Iranian authorities, targeting undocumented Afghans. In 1995, the government announced that all Afghan refugees had to leave Iran. Later, Iran closed the border with Taliban Afghanistan and repatriations were suspended. Instead, the Iranian authorities tried to confine refugees in camps. There were consequently as many as 98,000 living in camps in 1999 (Abbasi-Shavazi et al. 2005).

In 1999, the UNHCR and the Iranian authorities tried in vain to negotiate a repatriation agreement. At the time, the government maintained that refugees who were not willing to go back to Afghanistan would be held in camps (USCRI 1999). The UNHCR disagreed with this policy. Iraqi refugees did not meet the same fate and were still free to move around. Eventually, there was no agreement with UNHCR but the government agreed to let refugees be self-sufficient as long as they remained in designated areas.

4.2 Tripartite agreement for Afghan refugees

The parties reached an agreement once it was clear that Iran could not carry on shouldering the burden of being the primary country hosting refugees in the world. A tripartite agreement was signed in April 2002 between Iran, Afghanistan and the UNHCR in order to facilitate the voluntary repatriation of Afghan refugees from Iran. The programme was reinforced when Taliban rule ended. The agreement, known as the Joint Programme for Voluntary Repatriation of Afghan Refugees from Iran, has since been renewed every year. It underlines the voluntary nature of the repatriation operation and also ensures the provision of basic support and assistance during the process including transport, medical facilities and customs procedures (IRIN 2005*a*).

This joint programme of support for voluntary repatriation is made up of three parts: an information campaign describing the programme and options for voluntary repatriation; financial incentives to encourage voluntary repatriation – the UNHCR is offering money and crops to returnees; refugee status screening for people claiming a continuing need for protection.

The first step was a registration programme that lasted for six months, during which deportations were suspended. Then BAFIA analysed the cases of volunteers ready to go back to Afghanistan. These documented refugees volunteering to go back to Afghanistan were not so keen to go "home" as the Iraqis (UNHCR 2004*b*). Indeed, Afghan refugees were forced out of the country by the Iranian authorities and the UNHCR, calling into question the notion of "willingness" to leave Iran. If BAFIA rejected a referred case, the claimant had the right to appeal jointly to BAFIA and the UNHCR (IRIN 2005*b*). Instead of tackling the issue of real and deep motivation to leave a country that has become home in order to face the unknown, the UNHCR made new proposals in 2006 to improve the targeting of those to be sent back home: There should be categories of people that will not be repatriated to their home countries because it would endanger their physical safety and well-being, given their extreme vulnerability and the nature of their special

needs. These categories include unaccompanied females, single women with no family or close relatives in Afghanistan (widows might also fall into this category); single parents with small children and without a breadwinner; unaccompanied elderly people; unaccompanied children; victims of serious trauma (including sexual violence); physically or mentally disabled people; and those with a medical illness (contagious, long-term or short-term) (UNHCR 2006*a*).

4.3 Repatriation programme for Iraqis

As far as Iraq is concerned, the UNHCR began repatriating in 2003. The programme was initiated by the organisation alone, which at the time was deployed in Iraq's three regions (UNHCR 2005*c*). When the repatriation programme was launched for Iraqis in 2003, High Commissioner Lubbers visited the Ashrafi camp in Iran's Khuzestan province and met many impatient refugees ready to go home (UNHCR 2003*a*). The repatriation programme already seemed difficult to process, and started on a very small scale. This explains why many refugees decided not to wait for the UNHCR to set up the programme and went back of their own accord. The border between Iran and Iraq is one of the most heavily mined in the world, making spontaneous crossings extremely dangerous, and the UNHCR has strongly advised Iraqi refugees not to attempt the crossing on their own.

A new border crossing was opened and used mainly by Iraqi Kurd refugees. Most of the Iraqi refugees have now been repatriated (USCRI 2006). As the situation in Iraq remained unstable and precarious, the UNHCR interviewed all returnees before their departure, briefing them on security conditions in Iraq and ensuring that their decision to return was voluntary and well-informed. The aim of the interviews was to make sure Iraqis had received proper training and information, and knew what and where they were going back to. A transit centre was set up in Dyana where food, mine awareness training and medical assistance were provided by International Rescue Committee (IRC) and other non-governmental organisations. Refugees were provided with cash.

In 2004, the UNHCR (2004*c*) called upon all states to suspend repatriations because of the violence in Iraq. In addition to suspending all repatriation programmes, the UNHCR (2006*c*) called for the suspension of all forcible returns to Iraq, considering that the situation was too volatile to ensure safe return and reintegration. It cancelled its convoys but could not prevent refugees from going back by themselves and the Iranian state from expelling Iraqi refugees (UNHCR 2004*b*); but this happened after many Iraqis had already returned from Iran. By 2007, the UNHCR guidelines regarding repatriation of Iraqi refugees had not changed because the situation was still deteriorating in Iraq (UNHCR 2004*d*). The UNHCR held an international conference on the issue in 2007 and called on states not only to welcome new waves of refugees but also to avoid any repatriation for now (UNHCR 2007*a*). It is interesting to underline that the UN organisation stresses the difference between voluntary return occurring within the framework of a repatriation programme and forcible return as a policy enforced by states. It does not criticise these forcible returns of refugees that call into question the very

definition of refugee, as someone who flees a country to take refuge. Why should that person be sent back even after a war or regime collapse when he has resettled and began a new life elsewhere? In addition, considering all the initiatives taken by the Iranian Government and the UNHCR to push documented refugees to leave the country, the question arises whether documented Iraqi refugees really volunteer wholeheartedly to go back to Iraq.

This qualifies the notion of "voluntary return": does a refugee, established in Iran for decades, who finds himself and his family suddenly deprived of all basic rights have any other option than to leave Iran? Iraqi (or Afghan for that matter) refugees, documented or undocumented, suffer from inequalities and discrimination. They are inherently a fragile group. The laws voted by the Iranian Government and the end of UN support to these families can lead to only one solution: to depart from Iran to ensure the livelihood, well-being and security of the family. Refugees, especially documented refugees, are given no choice: they have to repatriate. Can we consequently speak of a "voluntary return" to Iraq?

Between 2003 and 2005, more than 400,000 Iraqis returned home but the trend has since reversed. The Iraqi refugees now constitute the most significant displacement in the Middle East since 1948. The 2007 UNHCR conference on Iraq dealt with financial, economic and technical support. However António Guterres, the High Commissioner, made it clear that the safe return of Iraqis remained priority and the programmes would resume as soon as possible (UNHCR 2007*a*).

4.4 Repatriation process for Afghans

There is a trend among international experts to assert that repatriation is a natural process. After being "de-rooted", refugees are to be naturally "re-rooted". Hocké explains this perfectly well: "The point can never be too strongly stressed: refugee movements are a contemporary *scourge* which spares no continent. … [T]he most *natural* solution is still voluntary repatriation, for it enables refugees to *rediscover their social and cultural roots*, which give them the *comforting feeling of belonging* to their country of origin. … We entered 1989 with a renewed hope that more refugees will be granted their wish to return to their homeland" (Hocké 1988). The return of the refugee is perceived as ending the refugee circle (Black and Koser 1999) and the return to life as it was before the conflict (Castles et al. 2003: 48–49). This reasoning relies on the idea that refugee status is meant to be temporary. The UNHCR considers it to be part of its mandate to find solutions for refugees to ensure that they will not remain refugees. There are three solutions to this: voluntary repatriation, local integration and resettlement in a third country (Masih 2007). Eventually the right to return is invoked (UNHCR 1996). This applies to countries that have undergone major changes. For example, Afghanistan is considered to have a new regime since the fall of the Taliban. This is a *justice-based argument* for repatriation (Blitz et al. 2005: 182–200): Afghanistan is in a post-conflict stabilisation era and return is therefore possible. This explains the existence of the voluntary repatriation programme. The programmes regarding Afghans and Iraqis living in Iran are therefore experiences in that part of the world.

These programmes rely on specific progress including registration, training and return.

The Iranian authorities conducted several registration processes for the Afghan and Iraqi populations. There was a first process in 2001 and then a process in 2003 open to those who had registered in 2001. In November 2006, BAFIA began to re-register Afghan refugees who had registered for voluntary repatriation and turned in their refugee cards for exit papers. The registration exercise was open only to those who registered initially in 2001 and re-registered in 2003. In March 2006, BAFIA began to allow Afghans who did not re-register in 2003 to regularise their status, provided they could give a valid reason for having missed the 2003 exercise. BAFIA then issues exit permits, for which a fee is charged to every refugee. The UNHCR is in negotiations with BAFIA to waive this exit fee.

There are eleven voluntary repatriation centres (VRCs) located throughout Iran. There, volunteers for repatriation are provided with an assistance package, including a small cash grant to facilitate their return. Iran's Dogharoun frontier post is one of the most important points for the repatriation programme. The UNHCR and the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) assist Afghan refugees with voluntary repatriation (Romano 2005: 430–53). The authorities in Tehran is studying a plan to strengthen and expedite the process of voluntary repatriation of Afghan refugees; for example, the head of the family could be given a working visa for a specified period prior to the repatriation (IRNA 2005).

BAFIA is in charge of selecting and electing who is accepted for return. The UNHCR controls the return process in the field. The main idea is to avoid the "revolving door scenario" of Afghans who slip back into Iran to re-enter the repatriation process in order to receive benefits for a second time (IRIN 2005*a*). The next step is a confidential interview with a UNHCR representative to check that the decision to return is really a voluntary one. The interview is used to monitor the willingness of Afghans to go home and their awareness of the situation in Afghanistan. Refugees are asked about their plans upon return and their projects for reintegration. This is also when the UNHCR identifies those with specific needs or in need of assistance. It has found that some refugees leave because of the improved political and security situation in Afghanistan but also for economic reasons: they have difficulties finding jobs in Iran under the new laws (UNHCR 2005*c*). Then the UNHCR informs the refugees of their rights under the repatriation programme and they are given an overview of the situation in Afghanistan. At this stage any vulnerable cases, such as disabled people, unaccompanied children, or female heads of households, are identified for special attention. The UNHCR issues a voluntary repatriation form to serve as proof and a travel document to enter and stay in Afghanistan (IRIN 2005*a*). Finally, the Afghans are given food, money and logistical supplies.

In the UNHCR handbook (1996), the organisation insists on a key matter: return must occur on a voluntary basis. It is ironic to see the willingness factor underlined here, considering that Afghan refugees have no other choice but to depart from Iran. The interview with the UNHCR helps in clearing up some issues: For example, to trace a family member in Iran or in Afghanistan, an Afghan refugee only needs to fill in a tracing form. There is no need to fill in a repatriation form: it is essential for the two not to be linked otherwise it would jeopardise the notion of voluntariness. People might think that they have to accept repatriation in order to find their loved ones (UNHCR 1996).

There is a screening process for illegal migrants who are arrested in the streets and deported. Dogharoun frontier post is the last chance deportees have of being allowed to stay. Iran has allowed the UNHCR to veto deportations of illegal migrants who would be persecuted upon return. Therefore, all deportees are entitled to an interview with the UNHCR. It is also essential that the UNHCR checks that the deportees presented to the screening process are not documented refugees. Deported people must go back to their home countries on foot and cannot benefit from the buses arranged for those repatriated voluntarily (IRIN 2005*a*). According to a former agreement with the Iranian Government, the UNHCR does not have access to Afghans whose deportation was ordered by a court of law. There are ongoing discussions with the judiciary for the UNHCR to have access to court cases.

Since the beginning of the programme in 2002, more than 1.5 million Afghans have gone back to their country (Table 1). At the end of 2005 the Iranian authorities registered some 920,000 Afghan refugees holding valid identity cards. There has been a decline in the number of voluntary returnees since 2006: there were only 5,000 returns the following year (IRIN 2007*a*). The reason is that Afghan refugees have heard the outcomes of other refugees' return and would rather stay in Iran. Many of them are expected to decline the option of voluntary repatriation and remain in the country. This will require a review of UNHCR operations. Even if the first volunteers had undergone training and spoken with the UNHCR to make sure that they were aware of the situation in Afghanistan, it seemed that reality was harsher than expected (UN News Centre 2007).

Table 1: Number of Afghan refugees who have returned home through the repatriation programme

Overview	2002	2003	2004	2005	2006	Total
Pakistan	1 565 066	332 183	383 321	449 391	133 338	2 863 299
Iran	259 792	142 280	377 151	63 559	5 264	848 126
Other	9 679	1 176	650	1 140	1 202	13 848
Total	1 834 537	475 639	761 122	514 090	139 804	3 725 273

Source: UNHCR (2007*b*).

On 15 April 2007, the Ministry of Interior called on Afghan refugees holding long-term orange exit permits and special ID cards to re-register for voluntary repatriation from 9 April. The 12th Tripartite Commission Meeting on the Joint Programme for Voluntary Repatriation of Afghan Refugees from Iran, held in Mashhad on 27 February 2007, allowed for the establishment of a new agenda (IRNA 2007*a*). During this meeting, approaches and modalities of the voluntary repatriation of Afghan refugees, as well as obstacles to repatriation, were discussed. The participants also analysed the sharp decrease in the number of returnees in 2006.

5. Training and preparation to go home

Before leaving Iran, all refugees also received mine awareness training provided by the Ansar Relief Institute and sponsored by OCHA. Afghan Government officials came to Iran to visit the refugees and inform them about the living conditions in their home country.

The training was improved after the 11th Tripartite Commission Meeting held in Geneva on 9 October 2006. It was decided that vocational training and education should be provided to all refugees volunteering to go back to Afghanistan (IRNA 2006).

5.1 Obstacles

The fear of going "home"

Many refugees are terrified to go "home". Some of them have been in Iran for decades and feel that it is home. In Afghanistan and in Iraq, the situation seems too precarious and for some, it is no longer home. Moreover, it is difficult for them to go back as they are excluded from Afghan and Iraqi societies and often end up very poor and living at the margins of society (HRW 2002*a*). They would rather stay in Iran, whether in camps or in cities. Some refugees prefer to be discriminated against in Iran than live in terror in Afghanistan or Iraq.

Among those who are not eager to go home are Afghan women: many of these women have benefited from a new social setting in Iran: they have taken advantage of the destabilised power relations within the family (*Bad Jens* 2001). Men's domination has been questioned; Afghan women have challenged local traditions and norms that became increasingly difficult to sustain when the family moved to Iran. For example they may refuse to abide by traditional demands of total obedience, or interference from in-laws. Immigration has also broken the social network that families used to be part of: community ties have been broken and women have seized these new opportunities for independence. Afghan women now dare to complain if a man is violent with them. In addition their rights are being defended in Iran, thanks to the legal support set-up and the Afghan Embassy. Therefore, Afghan women often dread the return to their home country as they do not know if they will find similar social structures.

Security issues

Iraqi people in general look forward to going home but, since the war broke out, there are numerous problems impending on their return. The country is war-torn and there are already many internally displaced persons fleeing war zones. Refugees and IDPs are perceived as strategic tools amidst the mayhem (Romano 2005: 430–53). There is also a problem with collaboration partners in Iraq: no one is able to work with the UNHCR in assisting and funding the repatriations. So the situation remains volatile.

Afghan refugees may encounter problems at the borders during the repatriation process. At one point, the programme had to be suspended because of violence at the Afghanistan / Iran border: refugees were stopped by poppy farmers protesting against government decisions to put an end to cultivation. Factional fighting has also stopped the convoys. Then, when they do go home, Afghan refugees have to face factional fighting, the resurgence of the Taliban, warlords and drug dealers. Many of them are not aware of the fact that they have to pay taxes to open a business, live on their land or simply protect the lives of their family members.

Human Rights Watch has reminded participants in the repatriation programme that the security of returning refugees in Iraq and Afghanistan is not guaranteed (HRW 2002*b*). Furthermore, the organisation claims that refugees who volunteer for repatriation are ill-informed about the situation in their home countries and should receive substantial information rather than financial packages as incentives to go home. A UN-backed report on obstacles returnees face once home was issued in 2007 (UN News Centre 2007). It was quite surprising to have a report backed up by the United Nations acknowledging that returnees face heavy difficulties, a statement that indirectly criticises the voluntary repatriation programme's aim (AIHRC 2007). The report did not however tackle the issue of voluntariness or the information given to Afghan refugees prior to departure.

Amnesty International has declared that "there is a total lack of coordination as far as assistance to, and monitoring of returnees, is concerned. A deteriorating security situation covering two-thirds of Afghanistan but also affecting Kabul means returnees are often unable to reach their intended destination and are being forced into internal displacement or to flee the country. The security situation has led to serious doubts about the capacity of the international community, including the UNHCR, to monitor what is happening to returned refugees" (Amnesty International 2003*b*).

6. The return "home": return to Afghanistan

The reintegration of returnees is a challenge for the Government of Afghanistan. As Enayatullah Nazari, the Afghanistan Minister of Refugees and Repatriation, has said, "Repatriation should be respectful, gradual and should take into account the absorption capacity of our country" (Amnesty International 2003*b*).

For many refugees the return is a shock. Some complain that their lives have never been so hard. Many refugees go back to the only place they knew before they left: their native province. Some, when they reach "home", find misery, starvation or war and leave again to become IDPs. Others do not go very far and remain near the border. They sleep in open-air settlements and shelter as much as they can. The problem is that winter is very harsh and local families do not welcome the former refugees into their homes. The government does not give them land and children have no access to school (Tan 2007). These returnees live in limbo. Some have been attacked on their way back, harassed by local people, forced to give away the goods granted by the UNHCR to robbers or pay taxes to local headmen (Amnesty International 2003*b*). For others, notably the returnees living in Khost, the situation is different as they went back to their traditional way of life among the nomadic Kuchis.

Those refugees who had money have been able to buy houses and resettle. Others struggle every day: townships have appeared near cities and many families relocate there as accommodation is less expensive than a house in the city. The UNHCR distributes shelter units and the Afghan Red Crescent distributes relief items. Despite all these efforts, the situation remains dramatic. Returnees have no land, no houses, no jobs and no food. Children are the first victims and many die. The UNHCR tries to find solutions for them and negotiates with the government. The most important element is to give returnees land and avoid the scenario of returnees turning into IDPs, which gives rise to many land disputes, especially when they claim their former possessions.

Of the returnees, 40 per cent live in the provinces of Kabul, Herat and Nangarhar, in better conditions than the other 60 per cent. So the return dynamic is complex to understand: some returnees find their way back home and into the new Afghan society while others find themselves living at the margins of this society. The returnees who gained skills in Iran and have an education enjoy higher status in Afghan society. The Afghan labour market is still very informal and the best way to find a job is through connections and family. For refugees who have in general lived in Iran for more than ten years, it is not easy to have such contacts and connections. However some returnees, those with skills, have found an opportunity in less than a year (Macleod 2006). The returnees who are successful declare that they do not intend to go back to Iran, while for others there seems to be no other solution.

The conclusion is that the infrastructures of Afghanistan are not ready to welcome returnees. The country is already burdened with local problems. For those who were unsuccessful in their return and have become IDPs, living in Afghanistan is like an endless search for a refuge. As Amnesty International has stressed, the obstacles towards reintegration are so significant that the voluntary repatriation programme might seem unsustainable (Amnesty International 2003*a*).

6.1 Return to Iraq

Part of the security plan is to ensure the return of Iraqi IDPs and refugees to their homes. It is difficult to evaluate how many returnees are back home as no organisation or expert can go to these highly volatile areas to check (Fadel 2007). So no one really knows how the refugees who left Iran on their own or through the UNHCR repatriation programme are faring.

The main issue for Iraqi returnees is that they are going back to a country at war, divided into factions. There is no security, no work, no money, no school and no assistance. This is the reason why UNHCR stopped repatriation from Iran in 2004. The only safe area was the north of Iraq until the authorities declared they had a shortage of houses and could not relocate all returnees (BBC News 2004). It is also said that some returnees were beaten up upon returning, threatened or held by the police (Morris 2006).

7.   Is this a sustainable repatriation programme?

Many now discuss the sustainability of such programmes. Indeed Iraqi and Afghan refugees are going back to war-torn countries affected by major economic crisis and insecurity. There is no suitable job market for refugees, most of whom are unqualified or trained in areas that are not relevant in their countries, with the exception of teachers. There are very few housing opportunities. The reintegration process is not easy and therefore it is legitimate to wonder why these refugees are "forced to leave a country", on "a voluntary basis", that they may have lived in for decades to move to countries that clearly are not yet ready to welcome them.

A UNHCR report also underlines that poor repatriation planning can lead to internal displacement and instability (Petrin 2002). Indeed, with the exception of very few success stories, most of the repatriated do not reach their final destination for the above-mentioned reasons and become IDPs or poorer among the poor. Thus some of them have decided to re-cross the border to go back to Iran. What is the point of turning refugees into IDPs? Is the repatriation process "taking refugees for a ride" (Turton and Marsden 2002)? Another report suggests that there should be a connection between sustainable reintegration and transnational social networks, proposing "undertaking in-depth, qualitative research to improve our knowledge of refugee decision-making and the regional and transnational networks that sustain the incomes of Afghan households and families" (Abbasi-Shavazi et al. 2005). Basically, when economic incentives are strong, refugees will recross the border, as in the case of Afghan refugees coming back to Iran. The UNHCR reaches the same conclusion and acknowledges the need for a new framework for approaching repatriation (UNHCR 2005*c*). There is indeed a need to develop new strategies for repatriation that would take into account the context of each country, instead of a "one size fits all" scheme. The UNHCR also suggests that there should be bilateral negotiations and advice given to the Government of Afghanistan on how to provide

minimum standards of security and income for Afghan returnees in the longer term.

At the 11th Tripartite Commission Meeting (2006), the parties agreed that the days of mass return were over and innovative approaches were necessary to sustain the return momentum (IRNA 2007*b*). One of the improvements was the cash grant increase for repatriation. This increase probably worked as an incentive for Afghans to register for return. Afghan refugees received a sixfold increase in cash grants upon their return to their home country (IRIN 2007*a*). In addition, the UNHCR said that it would provide extended reintegration support to the "most vulnerable" families of Afghan refugees possessing registration cards from Iran. The UNHCR had a budget of US\$52 million for its Afghanistan operations in 2007, and aimed to use part of this money to help about 11,000 disadvantaged families to rebuild their houses in the war-torn country.

The Afghan repatriation programme is really being put to the test, as the Iraqi process has now been suspended. Therefore all negotiations surrounding the Afghan programme must be analysed. During the 12th Tripartite Commission Meeting in 2007, proposals for improvements were voted upon: means of encouraging and facilitating voluntary return to Afghanistan; allocation of land upon return, issue of Iranian work visas for one member of a returning family and eventually cover of all return expenses.

The return programme set up by the tripartite agreement begs the question of what a voluntary return is. Indeed the programme is based on the voluntary participation of Afghan refugees and on their willingness to go back home. It seems, however, that in practice documented refugees are incited by the Iranian Government and the UNHCR to go home. Indeed most UN support programmes have been cut. In addition, the Iranian Government has passed a number of laws to deny undocumented Afghans basic rights (including that of being acknowledged a refugee, in full violation of the 1951 Convention) and documented Afghans of rights such as the right to work, to be educated or to have a house. The Iranian Government has never shied away from its policy: it wishes to see the documented and undocumented Afghans leave the territory. The Iranian police even round up documented refugees and destroy their documents. The argument is that Afghanistan is no longer at war and that the reasons – cultural, religious, political or ideological – why the Afghans fled are now terminated. It is only logical for them to go back home. The UNHCR is also quite keen to see Afghan refugees going home: it believes that refugees need to be re-rooted and that their burden and plight should come to an end. One cannot live in a transitory state forever, stabilisation is needed. This is why a return is indicated.

8. Conclusion

As Chimni underlines, the growing emphasis on repatriation has turned the attention of the international community towards the problems of returning

refugees (Chimni 2000). The reality is that returnees often face huge issues when they go back "home" to a place where they no longer belong: the country has changed and is often in a worse situation than when the refugees left (Chimni 1999). The government is often not in a position to welcome and reintegrate returnees as it has to deal with many other issues at the same time. In times like those Afghanistan is going through, and despite a specific programme for returnees, it is difficult to differentiate between refugees and IDPs and treat refugees as if they were the only persons displaced who had suffered a loss (Gorman and Kibreab 1997: 42). Therefore the return of so many people to a country devastated by war is very much criticised. It looks like shifting the "refugee problem" from one side of the border to the other without taking people's safety into consideration. A backflow is ensuing as Afghans would rather live in Iran. Research findings indicate that most Afghans living in Iran would prefer to remain there in order to continue accumulating capital to purchase land, a house or shop in Afghanistan before returning "home". They are also waiting for evidence of development and political stability in Afghanistan. But the Government of Iran does not seem to have the time or patience to wait, fearing that the refugees will stay for good.

Furthermore, the process of voluntary repatriation has not been thoroughly researched and the example of the repatriations of Iraqi and Afghan people from Iran has demonstrated that contexts should be taken into account. Indeed repatriation is sometimes and in some situations and contexts far from being the best solution (Harrell-Bond 1989: 41–69). In addition, as Helton (2002) has underlined, "modern refugee crises require solutions that pair crisis response with nation building and private agencies with national and international actors". So before repatriation, human rights issues "at home" should be dealt with (Abbasi-Shavazi et al. 2005): rights such as housing or education must be implemented first.

The parties to the Tripartite Commission are aware of all these difficulties. During the meetings, the three parties pledged to work to remove all the obstacles to Afghan repatriation and to aim at enhanced cooperation and coordination in the field (UNHCR 2006*e*). The 13th meeting, which took place in Geneva in October 2007, put forward the low trend of voluntary repatriation. This did not influence the decision of the three parties, who want to maintain the gradual return while taking into account the Afghan security background and its capacity to accommodate the returnees (*Iran Times* 2007). Iran, Afghanistan and the UNHCR are aware of the security issues but it does not deter them from their goal. If the statement issued after the meeting sounds as if it does not take into account the hardship of the Afghan community in Iran and the fear of Afghan refugees when returning home, it is clear that the parties are trying to learn from their mistakes: they called for the reconstruction process in Afghanistan to be intensified in order to "secure greater assistance for the reintegration programmes for returnees in Afghanistan" (IRNA 2007*a*). In addition, there has been significant progress on the Iranian side: the country offered to grant temporary work and temporary residence

permits to Afghan refugees returning to Afghanistan. This is of course a major step as it entitles seasonal migrants to come back legally to Iran and their family to change their minds if the situation in Afghanistan is too difficult. Finally, the Afghan Government has improved the welcome offered to returnees as now they are allocated land and housing. A further meeting took place in Kabul in January 2008.

There are many challenges pertaining to reintegration. Some of them are beyond the mandate of the UNHCR and deal with human rights such as development, gender, education, housing or legal status. The mission to enforce basic rights lies elsewhere than in the mandate of the UNHCR: there is a part of the Bonn Agreement devoted to Afghan returnees and the tripartite agreement negotiated with Afghanistan. There are also agencies working on the human rights issues mentioned, but they do not include the UNHCR as its mandate does not cover returnees' rights but refugees' rights (UNHCR 2000). This being said, the organisation faces changes in its mandate: it is extending its services to IDPs and has to support pressure from donors, deal with refugees becoming a political tool and manage the blurring of legal definitions among the refugee population. Therefore, it seems that the UNHCR is slowly turning into a human rights organisation (Chimni 2000). The repatriation process is also increasingly perceived as being a human rights issue rather than a humanitarian one, dealing as it does with so many rights in the host country and in the home country (Coles 1989: 195–211).

The main problem is that repatriation is perceived in the following way: "Not only is it humanitarian but it is cost-efficient when you think of the destruction and endless crises and costs that arise from conflict" (IRIN 2005*a*). World Bank studies show that it is far cheaper to help refugees to rebuild their lives than to leave them abandoned in a social network where further social problems and instabilities might arise.

Despite repatriations, the Islamic Republic of Iran continues to be the main country of exile for Afghans and other communities (UNHCR 2006*d*). By the end of 2006, Pakistan and Iran were hosting one out of five (21 per cent) of the world's refugees. Most of the refugees now look for a third country of resettlement, especially Iraqis, in order to avoid deportation or return. So the solution does not seem to reside in repatriation (Strand et al. 2004). Perhaps the policy should be oriented towards immigration control or better development of Afghanistan and Iraq. Another solution has been the development of commercial agreements between Tehran and Kabul since 2002: this has opened a commercial legal path that Afghan workers can use instead of border smuggling. Comparative lessons should be drawn from this example of management of the Iranian refugee crisis at local and at international level. One of the lessons that the UNHCR draws from this experience is that there should be a comprehensive migration management approach: the future of the relationship between Afghanistan and Iran is economic and therefore Iranian officials need to work on improving the new status for

economic migrants. The conclusion is that the four "Rs" – repatriation, reintegration, rehabilitation, reconstruction – should be put forward (IRIN 2005*a*). Decision-makers and migrant practitioners often overlook issues such as preparation for repatriation. This is why the four "Rs" are so important: collaboration between the UNHCR and other agencies is necessary not only to prepare refugees to go home but also to welcome them when they become returnees. The preparation of refugees for going home is essential as it will determine their ability to become actors of change upon their return (Cassarino 2004: 253–79). It is also during this phase of preparedness, as Cassarino calls it, that the willingness to go home must be evaluated, which is what the UNHCR handbook recommends (UNHCR 1996). It seems however that this process is not completed by the UNHCR as refugees still lack crucial information about Afghanistan. Mine awareness risk training and some security training is offered, but most refugees go back to a country that they left decades ago and do not know who the new belligerents are. They may thus become victims of drug dealers and warlords as soon as they go home. Unaware of local practices such as paying taxes to warlords, their security can quickly decrease.

An argument invoked by many who favour repatriation is the positive role that returnees can have on state-building: the reintegration of trained returnees can help the development of the country (IOM Campaign). This is the human capital argument according to which refugees can contribute to the stabilisation of the country thanks to their skills (Blitz et al. 2005: 182–200). The return is also proof that returnees believe in the new government and this grants it legitimacy. Eventually, returnees should play an active role within civil society (Petrin 2002). The question then is how we can sacrifice refugees to the building of a state they often do not feel connected to. They have stayed away from "home" for too long and their social links as well as family and clan links have been severed. As noted by Petrin, most of the time repatriation is carried out for the sake of repatriation, without looking at the best interests of the returnees, as this paper also demonstrates. Meanwhile, despite all the obstacles, doubts and critics, the UNHCR programme for 2007 has been set up, mostly unchanged. It foresees the voluntary repatriation of 100,000 Afghans and 4,000 Iraqis for the year.

The word "home" has different meanings for Afghan and Iraqi refugees in Iran: while Iraqi refugees feel that Iraq is home, Afghan refugees feel better in Iran. Going "home" for the latter can be surreal. However in this "new era of return" (IRIN 2005*a*), it seems that refugees are hardly listened to. The promotion of refugee returns is not only typical of Iran: other countries have also entered voluntary and non-voluntary return programmes (Blitz et al. 2005: 182–200).

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Remigration, Development and Mixed Embeddedness: An Agenda for Qualitative Research?

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This article explores the processes that returnees are caught up in trying to re-embed in their countries of origin, as part and parcel of forced and voluntary return. It does so by taking a closer look at several small qualitative pilot studies following mainly Dutch returnees to their countries of origin and carried out in such diverse contexts as Angola, Bosnia and Herzegovina, Guinea and Suriname. These studies were executed in 2006 by Master's students as part of a research project of the Centre for International Development Issues Nijmegen (CIDIN) Radboud University (Netherlands). They had the common aim of studying the relation between development and remigration, through researching remigration from a bottom-up perspective, i.e. following the returnees in their attempt to reconstruct a livelihood in their countries of origin. In particular they investigated whether these livelihoods can be considered to be sustainable, taking as a point of departure that sustainability of livelihoods can be explored through the processes that returnees experience in trying to get embedded again. The central focus of this article therefore is the exploration of how returnees become re-embedded in their contexts of origin, taking into account economic, cultural and social embeddedness and different factors that influence these processes, such as contextual and personal factors in the pre-migration, migration and remigration phases, government policies and organisations working for, and with, returnees. As such it reflects on the applicability and possibilities of the concept of mixed embeddedness as an agenda of research in the context of remigration.

S erif, *a Bosnian Muslim returned refugee, is happy that he can practise his Dutch language on his visitors. Despite the worries in his eyes, he looks energetic. Kadefa, like her husband in her fifties, does not participate in the conversation and sits at the stove. She is severely traumatised and does not want to be reminded of the time she was raped and abused in a prison camp, nor of the fourteen years of insecurity that followed. Now they are back in Bosnia. Back to their village, where Muslims constitute a minority in the now Serb territory. The*

stove barely burns. They do not have money for fuel and it is freezing cold in the house. They should not be living here anyway. The period that the house was rented for them has long expired, but they have no other place to go. So they wait. They are back in their village, but are they back home?[1]

In recent years the relation between (forced) migration[2] and development has received renewed attention from policy-makers, multilateral organisations and scholars. De Haas even speaks of a remarkable renaissance of interest in the issue, mainly instigated by the spectacular increase in remittances, which amount to well over twice the amount of official development assistance (De Haas 2006: 6–14). Remigration takes a somewhat special place in this renewed attention. In the Netherlands this, among other influences, is related to considerable changes in policy and thinking towards immigration and forced migration. While former policies placed emphasis on encouraging integration in the host countries, from the 1970s onwards increasing numbers of asylum seekers from more diverse countries resulted in more strict rules for the admission of new arrivals, and an emphasis on return rather than integration (see also Black and Gent 2004: 4–5). In the Netherlands, the policy towards immigration became significantly more restrictive from 1997 onwards, to contain the increasing influx of migrants and asylum seekers (Ministry of Justice 1998). The integration of new asylum seekers came to be actively discouraged. At the same time, for those able to enter the country, integration became a strictly guided process in which Dutch language and culture set the norm and less space was left for integration with safeguarding the identity of the immigrant as had previously characterised the so-called period of tolerance. Return and remigration, forced[3] or not, thus became part and parcel of a central right-wing political discourse in which more progressive non-governmental organizations (NGOs) working with migrants, refugees and development were very reluctant to take part (PON 2004).

The Netherlands Minister for Alien Affairs and Integration, Rita Verdonk, continued this policy and furthermore suggested in 2003 that development cooperation should be used as a strategy to contain the influx of migrants (Verdonk 2003: 5). The Minister for Development Cooperation, Agnes van Ardenne, wrote in a policy memorandum that, although containment of migration and development cooperation are not the same, they are indeed linked (Van Ardenne 2003). She

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[1] Excerpt from life story of two informants who were part of an investigation by Marieke van Houte (CIDIN) in Bosnia and Herzegovina, 2006.

[2] There are several reasons why people migrate. If for reasons of safety, they are recognised as refugees. But socio-economic or cultural factors can also leave people no choice but to migrate (AIV 2005). Instead of refugees, we therefore use the term "forced migrants" to include these last categories.

[3] There is some confusion about the terms "voluntary return" and "forced return". How voluntary is a return when someone decides to go back because there are no perspectives for staying permanently? Therefore we speak of voluntary return when "after reviewing all available information about the conditions in their country of origin, refugees decide freely to return home. Thus, the decision to repatriate is based on a free and informed choice" (Dimitrijevic et al. 2004: 29). Here, all other forms of remigration are considered as involuntary.

suggested that an effective return could be possible through development cooperation. In addition, sustainable return could contribute to development. This approach was quite new in the discussion about the relation between migration and development, in which optimists were until then mainly focused on the development potential of remittances, as mentioned above.

Before, migration was seen mainly as a result of underdevelopment. When it became clear that migrants who make it to the Western countries are not usually the poorest of the poor of their country, and in some cases even the middle and upper class who can afford to make the costly journey and take the risk to build up a better life, migration was seen as *brain drain*, as in the main the best educated people left the country (De Haas 2005). De Haas however sees a positive development potential in migration. Many migrants eventually return to their home countries and therefore generate *brain gain.* In this approach, return is seen as a strategy to stimulate peace processes in post-conflict countries and as a possible development potential. It implies that the input of capital, knowledge and a different way of thinking will give a significant impulse to development in the society of origin.

However, De Haas (2005) warns that the development potential strongly depends on the possibilities provided by the contextual factors of the political, economic and social dimensions. Furthermore, he points to the overemphasis on a macro-economic perspective in the discussion about the relation between migration and development (De Haas 2006). What is lacking is a micro and qualitative perspective on this theme. The same holds true for policy-oriented discussions on remigration and development. Government bureaucracies are told to meet quotas of migrants they are supposed to send back (Kleinhout 2006), while hardly any monitoring takes place on the situation of individual returnees after return.

In the current situation, the question is whether the authorities' efforts are enough to make a success of their own policy of development through remigration. Non-governmental organisations linked to development and migration are worried about the return policy of the government. According to them, return should always take place in a context of safety, dignity and prospects for the future. Only under these circumstances may return migration contribute to development. However, the question is whether the government does enough to make sure that these conditions are met. NGOs are in a difficult position in this discussion. They do not want to contribute to a policy of forcibly returning migrants but, at the same time, they do not want to leave their clients with no solution (Stegeman 2006). A few NGOs, such as the Mediation Agency for Return and the Refugee Council in the Netherlands, choose to be pragmatic on this issue and try to help returning migrants with the obstacles they face upon return.

The Mediation Agency tries to find small-scale solutions to specific obstacles that individual returnees meet. The Refugee Council concentrates on providing information about different sources of assistance and the options open to (rejected)

asylum seekers: voluntary or forced return, or staying illegally in the host country. For an optimal assistance by these NGOs for the returnees and to monitor whether their approach is successful, substantial information should be available about the possibilities and obstacles for returning migrants. But this information is limited. A member of parliament stated in the Dutch TV show *Netwerk* on 1 December 2005: "We should start following ex-asylum seekers to every country, to see how they are doing. Now we know nothing, absolutely nothing about the processes during and after return."

Therefore, in cooperation with some NGOs mentioned above, the Centre for International Development Issues Nijmegen (CIDIN) started a small-scale pilot project of various qualitative studies on this subject, aimed at the micro levels, which were carried out by Master's students at the centre. The point of departure for every study was that in order to contribute to development, return should be sustainable in all aspects of life. The studies were carried out both in the host country (the Netherlands) and in the countries of origin (Angola, Bosnia and Herzegovina, Guinea, Suriname). One case study was carried out in a country of relocation (United Kingdom).[4] Furthermore, the focus of the studies varied according to the perspective (individual or institutional) and motivation for return (forced or voluntary). Although the studies varied greatly, there were a number of evident similarities in the results.

This article, based on the results of the different studies, points out that the sustainability of return is dependent on many interrelated factors, and should be studied simultaneously from an economic and social as well as from a cultural perspective. It therefore promotes the use of mixed embeddedness as a conceptual framework for studies on sustainability of (re)migration and hopes to make intelligible that identity formation and the establishment of social networks do interfere with economic success and vice versa. Therefore, in addition to the use of quantitative data, it pleads for a qualitative approach to these kinds of studies, in particular through the methodology of life histories. First, the question of how sustainability of return can be explored through studying processes of embeddedness is explained. The argument is further developed by describing the stages of pre-migration, migration and remigration, and pointing out the influence these stages have on the diverse dimensions of the process of re-embeddedness.

1. Sustainability and embeddedness as a conceptual framework

According to the United Nations High Commissioner for Refugees (UNHCR), successful reintegration requires access to reasonable resources, opportunities and

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[4] In total, 131 remigrants were interviewed, of which 20 in Angola, 26 in Bosnia and Herzegovina, 8 in Guinea, 22 in the Netherlands, 25 in Suriname and 30 in the United Kingdom. 46 of these returnees were returned involuntarily, 34 returned voluntarily, 17 were still living in the Netherlands but were about to return involuntarily and 30 were relocated voluntarily. These interviews were complemented with information from key informants and organisations working with returnees and migrants.

basic services to establish a self-sustaining livelihood in conditions of equal rights with other residents and citizens (Dimitrijevic et al. 2004: 38). Self-sustainability is an important aspect of successful return of migrants (see also Reinsch 2000). However, the realisation of self-sustainability also depends on social networks, which in turn are related to questions of identity, often decisive in which networks will be opened up to certain persons and which not. Successful returning also includes feeling safe, feeling at home and having a sense of belonging to the society around the returnee. Moreover, it is quite possible that returnees who do not have an autonomous income can feel at home again and have a sense of belonging, despite, or maybe even thanks to, the fact that they are living with and depending on others, such as family (Van der Putten 2006; Van Hattum 2006). In order to really understand the sustainability of return, all aspects of life have to be examined. All these aspects, from the point of view of the social dimension and identity, influence each other in a continuously ongoing process, which makes it difficult to define exactly when a return becomes successful.

When is someone really fully embedded in the society that surrounds them? Besides the fact that this is only possible to define from a subjective perspective, it is a continuum of which the other extreme is easier to pinpoint. When a returnee decides to relocate again, moving further on or moving back to the first country of migration, and when this decision is motivated by negative factors, i.e. not being able to embed again in the home country, this process of remigration can be considered as unsustainable. That is if we consider migration to be a clear-cut dichotomous process of origin and destination, divided into categories as temporary and permanent. As here we consider migration to be a circular process, in which migrants develop transnational engagements (see also Boyd and Grieco 2003; De Haas 2006; Black and Gent 2004; Ypeij 2005), we reformulated the question from when to consider remigration successful into an explorative question as to which factors influence the processes of embeddedness of a returnee and to what extent this process can be labelled sustainable. Sustainability thus was not defined beforehand, or taken as a pre-given entity, but rather as an entity in need of exploration, based on the everyday epistemologies of returnees.

We therefore labelled the process of (re-)migration as a process of mixed embeddedness. Embeddedness is a concept used mainly within the context of institutional economics, as developed in 1985 by Granovetter in measuring trust as part and parcel of social networks that are crucial for the successful transactions of companies (Granovetter 1985), or as mixed embeddedness used by Aldrich, Waldinger and Kloosterman in exploring immigrant entrepreneurship (Kloosterman 2006; Aldrich and Waldinger 1990; Waldinger 1995). We took up the basic idea of this concept as the process in which a person, organisation or company is able to integrate in a given society both socially and economically, and added a cultural dimension to it.[5] Translated to our remigration research,

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[5] For completeness, a dimension of political embeddedness should also be integrated into the concept of mixed embeddedness. As in only two of the studies exploration of the political embeddedness seemed opportune from the perspective of the returnee, it remains outside the scope of this article.

embeddedness has a multidimensional concept that refers to an individual finding their own position in society and feeling a sense of belonging to and participating in that society.

The concept of mixed embeddedness might be seen as close to the concept of integration. However, where integration has become a synonym for adaptation to the dominant society, especially in policy-oriented discussions and documents, embeddedness encompasses more (Ter Maat 2002: 135). In contrast to integration, the concept of embeddedness sets no norm and leaves room for considering processes of integration with safeguarding an individual identity as sustainable or successful. Moreover it sees the process of return as ongoing, while integration suggests success as soon as adaptation to the dominant society is accomplished. This process is relatively open-ended and highly influenced by factors at the micro level, such as experiences before and during exile, the conditions of return and the decision to return, as well as the personal strategies and capacities of the individual (Black et al. 2004; Kloosterman 2006). The opportunities that these micro factors offer are limited or encouraged by the framework of macrostructures, such as opportunity structures offered by the governments of both home and host countries, discourses of power and the political, economical and socio-cultural context of the home country (Kloosterman 2006: 14).

To find out to what extent return is sustainable, the extent to which a returnee is embedded should be explored on the economic, social and identity dimensions. From an economic point of view, embeddedness can be explored through investigating if and in what way re-migrants are able to provide for their own means of living and construct a livelihood. Chambers and Conway define this as follows:

> A livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living. A livelihood is sustainable which can cope with and recover from stress and shocks maintain or enhance its capabilities and assets and provide sustainable livelihood opportunities for the next generation: and which net benefits to other livelihoods at the local and global levels and in the short and long term (Chambers and Conway 1991: 6).

In practice, a livelihood is about the extent to which an individual owns, or otherwise has access to, resources such as money and stock, and resources such as land and water. Besides this, it is about the livelihood capabilities that individuals have to expand these assets. In the words of Chambers and Conway, a livelihood is sustainable when it can avoid or respond to stress and shocks, or recover from them quickly (Chambers and Conway 1991: 10–12; see also Kaag et al. 2004; De Haan and Zoomers 2003).

The social dimension of embeddedness can be explored by social capital. Many different definitions of social capital exist. In the context of this article, the

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However the political dimension is present in the context factors, policy measures, etc. that influence the embedding process, though not as an individual action of returnees.

following definition is used – a combination of different definitions from Parnwell, Narayan and Pritchett, Robert Putnam and Thin (in Parnwell, n.d.).

> Social capital refers to the features of social organisation, reciprocity, networks, information flows and social safety nets that emerge from networks of social contacts of individuals in a society. This leads to a more efficient and stable position of the individual in society.

The extent to which individuals can benefit from social capital depends on the type of social contacts they have. Not only the quantity and frequency of individual social contacts are important. These social contacts only become valuable when there is some sort of closeness, the feeling that people can really rely on others. This contributes to a sense of safety, which makes them feel at home. A very important aspect of social capital is moreover the functionality of a person's network. This can vary from being able to talk about problems, to relations of reciprocity on helping each other out in small ways in and around the house, to having influential contacts that can help in finding a job or a house.

In exploring the process of embeddedness, the ability to construct an individual's own identity is also crucial. This gives them a place in society and is at the same time the connection between the self and that society. In gaining access to social networks, identity politics can be crucial. Identity is always dynamic, multidimensional and contextual (Giddens 1991; Hall 1991). Identity is a process. As Halleh Ghorashi puts it:

> Identity is not the fixed and given character of a person, or of a group. It is rather a dynamic process, a changing view of the self and the other, constantly acquiring new meanings and forms through interactions with social contexts and within historical moments (2001: 22).

Discourses as instruments of the politics of representation ascribe certain identities to individuals and groups. Negotiating these representations not only depends on structural positioning and on identities that are ascribed to people, but also on the individual agency of actors and groups. It is through this agency and subjectivity that individuals shape their own identities (see also Barker 2003; Davids and Van Driel 2005*b*).

It may be clear that the situation of migrants can be an example of dramatically changing identities, because of the changes in geographical and cultural settings. They construct a transnational identity, which is a set of new hybrid cultural forms, made up of a combination of different cultures (Bryceson and Vuorela 2002: 4; Brah 1996; Dwyer 2000). Upon remigration, an even more complex situation emerges. Their new hybrid identity does not necessarily fit with the society of origin, which has also changed throughout the years. In the best-case scenario, the migrants will combine the best of both worlds and benefit from this (Ghorashi 2003: 5). But this situation can also cause a feeling of "in-betweenness", the feeling that they do not belong anywhere anymore (Ghorashi 2001: 119).

Return migration is not as easy as it seems. It is not simply coming "home". Migration and return migration are definitely not a matter of going back and forth on the same track. This is especially true for refugees. As Ghanem (2003) states: "How can it be assumed that refugees are returning 'home' when the very reasons they left were that they did not feel 'at home' anymore?" Rather, return migration is a new step in a migration cycle (Black and Gent 2004: 8). As we consider migration and remigration to be processes, we distinguish, following Boyd and Grieco (2003), different phases of migration and remigration, which all have their special bearing on the re-embedding process after return. These phases are the pre-migration phase in which the motives to migrate are of importance, the transition phase of migration, in which motives for return are shaped, and the post-migration phase, in which the return and embedding process in the country of origin takes place. In the case of return migration, these phases are repeated in the reverse direction.

Remigration starts with migration. To understand why one returnee can become embedded and another cannot, the whole migration cycle of individuals, from pre-migration conditions to the reason for return, should be explored. Because every step in this cycle has its influence on the next, we focus here on the influence of the pre-migration, migration and return migration phases on the process of embeddedness after return. The collection of life histories of migrants gives an insight into the factors that have influenced the successfulness of their return. Below, we describe how the different phases in the migration cycle had their effect on the different dimensions of re-embedding opportunities of the refugees that were studied.

2. Pre-migration conditions and motivations to migrate

Even when the Serb-dominated Yugoslav army surrounded their Muslim village and ordered that all arms be handed over, Serif and Kadefa were not very worried about their future yet. They had expected the tensions to pass in a few days. The opposite appeared to be true when on 10 May 1992, Serif and seventy other men were gathered together and forced to leave the village on foot. Kadefa and her children were sent with the other villagers to concentration camps, where they were raped and abused. Fourteen years later they returned to their village, which now lies in the Serbian part of the country. They can still feel the tension between the ethnicities. The severely traumatised Kadefa is stuck inside the house, afraid to go out. Afraid to meet the people who raped her. Afraid to see the only – Serb – therapist, because she will never trust a Serb any more.

Migrants may move from their countries for different reasons. Conflict, relative economic deprivation (De Haas 2005: 1271), human rights violations, ethnic persecution, or environmental deprivation are reasons why people may want to escape their country (UNHCR 1993). All respondents from the post-conflict countries of the case studies state that insecurity and danger were important reasons to flee. But, next to these macro structures, there are always other often personal

reasons at the micro level that are the direct motivation to leave the country. The caseload proved that motivations to flee or move are never one-dimensional but always a complex combination of different factors. Different examples of this are described below.

Serif and Kadefa fled as a result of their traumatic experience which personally confronted them with the conflict, by being chased down and raped by an army in an attempt to cleanse their people from the area (Van Houte 2006). Besides the conflict, a combination of gender-related factors and ethnicity influenced their decision to flee. Carlos, a migrant from Angola interviewed in the Netherlands, stated that he already wanted to migrate for a long time for economic reasons. After a conflict broke out that was internationally recognised he was supplied with legitimate grounds for migration and refugee status (Knoben 2006). Fahra from Somalia fled the country because not being part of a clan in the new pro-clan policy affected her identity and safety. In this way, she became disembedded from her society, like many Somalis. At the same time, she fled from her husband, whom she did not want to see any more (Van Kruijsdijk 2006). Here, a combination of ethnicity, safety and gender reasons formed the basis to flee. These are examples of situations where the conflict was an important reason to leave the country, but certainly not the only one. Furthermore the case of Fahra shows that often migrants are already disembedded from the home country before departure, and not only upon departure, as often taken for granted.

For a minority of the respondents, the main reason why they left can be found within the family situation. For example, a young adolescent from Guinea left his country after his parents had fled from the government and the only person who was taking care of him and his brother had to flee herself. Age is definitely a factor that influences motivations to migrate. Adolescent refugees seldom decide themselves to migrate – in the majority of these cases the decision is taken for them (Van der Putten 2006; Kauffmann 2006).

Within the caseload in Guinea, in the majority of cases it is a livelihood strategy to send one member of the family abroad to escape severe poverty. Money is collected within a whole family or community to pay for the journey of one young and strong family member, who is expected to become successful enough to provide income for the whole family at home. Here conflict coincides with livelihood strategies as motives for (forced) migration.

Individual motivations for migration are structured by factors at the macro and micro levels, of sending countries as well as by the relation between sending and receiving countries, either because these relations can be characterised as relations between developed and less-developed countries or, as in the case of Suriname, colonial and post-colonial countries. The old colonial ties with Suriname, for example, together with gender patterns, structure the motivations as well as the migration patterns of Suriname migrants to the Netherlands, which in turn influence the post-migration phase and an eventual return (Bredewold 2006; Huis

in't Veld 2006; see also Ypeij 2005). Qualitative research and life histories can unravel the way in which macro and micro factors in a complex connectivity work together in stimulating a person to become a migrant or refugee (Salih 2001). Motivations and stimuli can easily appear in large-scale surveys as simply, or mainly, economic or political or any other one-dimensional reason. More gender-related reasons for migration, such as the wish for an autonomous lifestyle for women, are particularly easily disguised in that way, for example under the flag of family reunion (see also Salih 2001).

Policy measures and asylum procedures later influence people to structure their migration narratives in accordance with accepted categories for asylum, which often simplifies their complex stories. Once the confidence of informants is won, and life stories can be transcribed, these narratives become far more complex and even sometimes altered (Knoben 2006).

Motivations to leave the country and how migrants deal with them can affect the chances of a successful return in an important way. People's fear and memories of the past that come to mind when confronted with the setting where their traumatic experiences happened can be a paralysing factor in their social skills and their adaptability to new and uncertain situations. For example, Kadefa does not want to leave her house because she is afraid to be confronted with old enemies. But she does not want to receive friends either, because they "only complain about their own problems", which is too much to handle for her troubled mind. Apart from herself, her trauma also limits Serif in his freedom. Kadefa cannot be left alone for too long because she suffers from hyperventilation. Therefore, Serif will not be able to find a job or leave the house for long to meet friends. A trauma can therefore have a major influence on the social embeddedness of returnees.

People who have left their country because they had no family left there can face severe problems upon return because they have no network. Also, people who were sent away with money from their families can face great problems upon their return. A returnee with no money will be the shame of the community. Problems with constructing a suitable identity can arise in this case, as is further elaborated below. These micro factors can be a major influence on the successfulness of return, on both the identity and the social dimension. As will become clear later, there is an effect on the economic dimension. Of course, this also strongly depends on conditions in the host country and the motivation for return, described in the next section.

3. Migration

Serif and Kadefa arrived in Germany in 1994. There they received temporary protection, which expired in 1998, when Bosnia and Herzegovina were declared "safe". However, it was impossible for Kadefa and Serif to return to their village. Attacks on returning Muslims were, three years after the war, still a daily practice. Instead, they moved to a town in the Muslim-Croat entity. They lived in an illegally

rented house, but Serif could not find a job to make a living. That is why they left the country again after two years, this time to go to the Netherlands. Which again demonstrates how circular migration is and how migration motivated by conflict collides with economic motivations and livelihood strategies. Serif is a very curious man and he would have loved to learn and work in the country, but he was not allowed to. Instead, he often went to the library to teach himself. Based on her trauma, Kadefa was offered a residence permit, but Serif was not. Because it was impossible for them to be separated, they decided to go back together. This time, they were helped by the Dutch Mediation Agency for Return. This organisation paid the rent of a house in their village for six months, so that they could apply for a donation to rebuild their house,[6] which they received more than a year later. They are supposed to contribute half of the cost of the house themselves, but they have no income. Having returned with two bags containing their belongings, they have no capital to build up a living. In a country where there is 40 per cent unemployment, they are too old to find work but too young to receive a pension. They survive by the money their brothers and sisters send them from abroad.

The way in which the migrants spend their time away from their homes proves to be a very important factor in how they can re-embed in their home societies after return. In fact, the way in which a migrant embeds in the host country can determine for a large part their re-embeddedness upon return. The stay abroad often comprises a substantial part of a person's life. When a migrant is able to maintain or develop economic, social and identity opportunities, return will be much easier. However, a migrant who does not become embedded in the host country may experience significant disadvantages. Both options, positive or negative, and their consequences have a stronger impact as the length of time spent abroad grows. In the transitional and unstable contexts of Bosnia and Herzegovina, Guinea and Angola, the stay abroad proved to be decisive as to whether or not the migrants would be able to find their position again in the home society. We elaborate further on these contextual factors of the home society in the next section, after discussing the opportunity structure in the host country.

The possibility of participating in the host society can be of great influence to all aspects of embeddedness upon return. Most of the people who migrate are of a young age where, in a normal situation, they would be studying or starting with their first jobs to raise their families. That is what many people of their generation, who stayed in their country, somehow manage to do. Not having this kind of experience upon return creates an immediate disadvantage for the returnees in comparison to the people of their age group. To be able to work and learn and interact with people has the potential to provide a "suitcase" to take home, filled with capital, working experience and knowledge. The different Western European countries have different policies and opportunity structures towards different

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[6] In Bosnia and Herzegovina, to qualify for a donation, the returnee must already live in the municipality of origin.

groups of migrants. In this way, the country in which a migrant ends up can be an important factor in the process of re-embedding.

With regard to the economic dimension, it can be of great value to be able to work in the host country. Because of the difference in exchange rate, returnees can earn a substantial amount of local currency with the modest savings they make in the host country. This saved money can be used to build a house, or to invest in a small business (Van Houte 2006). Second, the experience and knowledge gained from working abroad can be very useful. For example, five respondents out of twenty-two involuntary returnees to Bosnia and Herzegovina managed to become somewhat economically embedded; they had formal jobs, which means a steady income (although often low) and insurance, and did not have to rely on others to survive. The success factors of these five respondents can all be directly related to the opportunities they had in the host country.

This example illustrates the relation between the former migration phase and re-embeddedness. However, it is worrying that the potential in allowing people to work in the host country is not optimally used, as only a small number of returnees have had these privileges while abroad and thus an equally small number manages to reach a high level of economic embeddedness. This forms a striking contrast in comparison to the cases of voluntary return or relocation, i.e. the examples of Surinamese and Somali migrants. Both groups were given Dutch passports and were thus allowed to work. Upon return (for the Surinamese) or relocation (for the Somali), economic re-embeddedness was relatively easy for the majority of them.

The extent to which the host country can contribute to or harm the later process of re-embeddedness depends largely on its opportunity structure. For example, Ahmed from Bosnia and Herzegovina, who stayed in the Netherlands, says he "wasted four of the best years of his life" not being allowed to work. Now, he is unemployed most of the time. For him, every year he spent in the Netherlands was a wasted year, because he did not have the opportunity to develop himself. At the same time, Idriz used the time he spent in Germany to work for a company in central heating systems. These systems are not very common yet in Bosnia, and therefore not many people know how to work with them. Idriz found a niche in the market and used his knowledge to start a small but successful enterprise in installing and repairing central heating. With his financial situation under control, he is happy that he came back, even though that was not his own choice: "I came back with knowledge and in the short period that I'm back, I built up a company, built a house and my children went to school and got a job. It could have been different if I had stayed."

This example also shows that being able to participate economically not only influences economic re-embeddedness upon return, but also social embeddedness (through contact with clients) and the identity aspect of embeddedness. Returnees feel proud when they make a success out of their return, and are a successful citizen in society. We show in the next section that the identity of a returnee will

already be challenged to a great extent upon return, so that a feeling of dignity and usefulness can contribute to being able to face this negative approach towards them. Regardless of gender and ethnicity in general, working will make them stronger and less vulnerable in society.

Also from the point of view of identity, migrants change and sometimes experience personal growth through the possibility of combining different cultures (Dwyer 2000; Brah 1996). Returnees report having picked up so-called "Western" habits such as saving money, planning, being direct and turning up on time for appointments, being more careful with disposing of litter, and acquiring habits, norms and values that they claim to be new to them, which they can integrate within their own culture. Combining different parts of each culture, returnees can construct a transnational identity. However, whether they can turn this into a positive contribution for themselves or others depends on personal and contextual factors, as well as on the time a migrant stayed in the host country. Jasmina (22) from Bosnia and Herzegovina does not feel at home at all. She spent nine years of her young life in the Netherlands. She explains in a fluent north-western Dutch accent: "I thought I was Bosnian, I spoke and ate Bosnian, but that is not true, because all that time in the Netherlands, the most important time of my life I was in the Netherlands. I grew up there. My experiences and activities there made me to what I am now."

Many returnees claim to have become more critical towards their government, now they have been in states that are less corrupt. When these returnees have the opportunity to be different in their home country, this transnationally constructed identity might have a broader positive impact on the rest of society. Nato from Angola believes that he can be an example for the people around him: "They say that I have a feeling of responsibility. People see that I am thinking ahead. People here only think about today." However, success is not guaranteed. Many societies, among which the Surinamese, consider returnees with their new "Dutch" habits as being no longer real Surinamese. In this way, they are partly excluded from social life and tend to form their own social circles of Dutch Surinamese returnees and associations (Bredewold 2006; Huis in't Veld 2006). This makes returnees want to hide or play down their new identity and try to adapt to the dominant practice in their country of return. Being a voluntary or involuntary returnee was only a relevant factor in this respect in the Guinean context. To be sent back, when the whole family had saved money for their migration to Europe, is seen as an enormous failure and shameful experience. Therefore, they tend to hide the fact that their return was compulsory, which in itself is not very helpful in deconstructing the idealised version of the West that a lot of their fellow citizens cherish (Van der Putten 2006).

Being allowed to participate in society gives migrants a feeling of usefulness, dignity and strength. Not getting any opportunity to work or participate in society can do a lot of damage. Not only will returnees lack the economic advantages described above, a passive working ethos and mentality will also be created,

especially when this continues for a long period. It will make people used to receiving food and money to live, and to not getting natural stimuli to develop a sense of creativity, survival drift and motivation to work. After years of being forcibly "pampered", returned refugees can be heard saying "I am waiting for a job" instead of "I am searching for a job". Serif reflects on his own attitude: "Somehow I am waiting for something, but there is nothing to wait for."

The insecurity about their status, the constant state of transition, also has an important influence on this passive attitude, which makes many migrants even more depressed and traumatised. According to psychologists, traumatised people need a secure and stable situation to be able to concentrate and work on their trauma. In fact, the majority of forced migrants become (more) depressed because of the insecurity and the problems they face during their stay in the host country. This applies especially to those migrants who have no chance of making themselves useful with work or study in the host country. Yuan, a forced migrant from China interviewed in the Netherlands, says: "I do not like thinking too much. Because I almost get sick. … Too much pressure what will happen tomorrow. I am exhausted" (Knoben, 2006).

The extent to which migrants benefit or experience damage from their stay abroad is largely dependent on opportunity structures in the host country. This does not mean that migrants and returnees are mere victims of these structural and contextual opportunities. Part of their chances to work and learn despite restricted policies, or their ability to cope with stress, depends on individual personalities.

4. Returning

In the last stage of the migration phase, one other factor can be very influential on re-embeddedness: motivation and preparation for the return. At this point, it becomes important whether the return is voluntary or involuntary. We only consider a remigration to be voluntary when, "after reviewing all available information about the conditions in their country of origin, refugees decide freely to return home" (Dimitrijevic et al. 2004: 29), as opposed to what is generally referred to by policy-makers and NGOs as "voluntary return", where a migrant is obliged to return to their country of origin, and does so without being forcefully expelled. However, it can be argued that return can never be voluntary when there is no plausible (legal) alternative (Noll 1999: 9–10). This is important to note, as it puts the intention to return in a completely different perspective. Thus, in contrast to the terminology common to NGOs and policy-makers, in this research project those migrants who did not manage to obtain permanent permission to stay and/or return outside of their own personal desire to do so are referred to as involuntary. Those who decide freely to return without being pushed one way or another through the circumstances in host countries, we refer to as voluntary returnees.

Taking the latter group, motives to return voluntarily can be based on the difficulty of becoming embedded in the host country, especially from the point of view of

identity. The Somali respondents especially named this aspect and indicated a combination of motivations for relocation. They decided en masse to relocate to the United Kingdom, because of a change in the social and cultural environment in the Netherlands, which turned more hostile and discriminating towards Muslim migrants after 9/11 and the assassination of the film director Theo Van Gogh. The hostile discourse towards Muslim religion and culture of former member of parliament Ayaan Hirsi Ali, a Somali woman herself, was a strong influence herein (Derksen 2006; Van Kruijsdijk 2006).

These Somali migrants claimed not to be able to express their religious identity as they wanted. Furthermore, settlement policies in the Netherlands isolated families and friends from each other as they were not able to live together. But they also mentioned economic problems. In general the group of Somalis had a relatively high educational level but diplomas in the Netherlands were not valued at the same level as in Somalia or the UK, for that matter. Furthermore, British regulations and protocols on starting a business were less strict than in the Netherlands. Also, British high schools are compelled to teach the language of an ethnic group as soon as they enrol a certain number of pupils, which has resulted in Dutch/Somali adolescent migrants receiving Dutch language classes in the city of Leicester. Finally, the ancient *jawilaad* system of sending money to relatives in their country was more accessible. In sum, the UK offered the migrants a better chance of embedding while at the same time safeguarding their Somali identity (Derksen 2006; Van Kruijsdijk 2006).

Another incentive to voluntary return or relocation is discrimination. Also, a common motive for return is a certain desire for the home country, often combined with ageing and the wish to retire in the home country and eventually die there. Many Surinamese decide to return for these reasons. Voluntary returnees have the opportunity to prepare their return and will probably only do so when they have good reason to believe that they will manage to become embedded in the country of origin, at least from an economic point of view. The Surinamese migrants from the research sample have enough opportunity to prepare their voluntary return, some by going back and forth a few times, for example to build a house. However, few of them take into account the social and identity dimensions. Many returnees complained of no longer being understood and accepted by the community of return as one of them. Also, not all voluntary returnees prepare themselves adequately enough to hold a realistic view of the (often dramatically changed) situation and opportunities in their home country. In the case of Suriname it was significant that those who returned independently and without any assistance were better prepared than those returning within the government-sponsored programme, as this financial incentive to return often led to decisions being made too quickly. Thus, although not totally a failure in terms of building up a livelihood in Suriname, voluntary return did not guarantee successful economic, social and identity embeddedness (Bredewold 2006; Huis in't Veld 2006).

Involuntary returnees have no realistic options left other than to return, even though they often do not have sufficient means to do so. On all dimensions of embeddedness, the extent to which returnees manage to become embedded again strongly differs. The factor that plays a crucial role in the re-embeddedness process of involuntary returnees is the living conditions in the host country. The level of participation in the host society, the longevity of the stay and the preparation for return all play a very important role in the return process. Furthermore, preparedness to return, or the lack thereof due to time restrictions, is problematic for involuntary returnees. In the Netherlands asylum seekers have to leave the country within twenty-eight days after a negative decision. If they are staying illegally in the country, they can be transported unannounced after spending weeks or months in prison. This does not contribute to the sustainability of the return. Moreover, partly due to this short period of preparation, but also due to a lack of reliable information, many involuntary returnees are not aware of the possibilities open to them and the obstacles they may meet upon return. This makes the shock of return even bigger.

While the majority of involuntary returnees in the caseload felt great resistance against returning, there were certain returnees who, after years of living in miserable conditions, deprived of their freedom and separated from their family members, consider the return as a relief from the long period of insecurity and forced passiveness. These are often people who migrated for predominantly economic reasons.

Government-related organisations such as the Netherlands' Central Agency for the Reception of Asylum Seekers (COA) and the intergovernmental International Organization for Migration (IOM) provide practical assistance in terms of helping with obtaining travel documents, paying for plane tickets and an allowance for immediate needs upon return. This type of assistance is however merely focused on facilitating a sustainable act of return rather than trying to make the process of re-embeddedness sustainable (Kleinhout 2006). In this sense, it cannot be said that such assistance contributes to the envisioned policy of "development through remigration". To put these words into practice, a more active commitment is needed to making the return a success. Alternatively, NGOs such as the Mediation Agency for Return could make more effort to remove the obstacles to return and try to make the process of re-embeddedness sustainable. This assistance mainly takes place after return, as described in the next section.

5. Re-embedding

After having been away for twelve years, Kadefa and Serif do not feel at home any more. "Everything has changed. Even the houses don't stand on the same place any more. The people are different. Many have left. The children have grown up, others have died. I don't know anyone any more". Serif tries to make people forget that he and his wife returned from abroad. If he fully adjusts to the local behaviour and mentality, there might be a chance that people will treat them equally in

distribution of jobs, medical care and housing. But the adaptation is difficult: "I feel like a stranger here. I can't talk to people any more, I can't trust anybody."

Although the pre-migration and migration phases have a major influence, the actual process of re-embeddedness has to happen within the context of the home country. Even though the countries to which forced migrants are sent to or return to are supposed to be safe, they are still post-conflict countries that are politically and economically highly unstable. The setting where returnees are about to make a new start and find their own position in society is often one of collapsed infrastructure, high unemployment and still existing (political) tensions, where the return of migrants is often more of a burden than a positive development. For example in Angola, the young and often adolescent returnees are confronted with a major lack of food, employment and facilities, which makes it almost impossible to become economically embedded (Kauffmann 2006). The economic conditions are in some cases even worse than when the migrant left, as in Guinea where it comes as a surprise every day whether there will be running water or electricity or how much higher the prices will be because of extreme inflation. Ethnic tensions still control the daily life of some parts of Bosnia and Herzegovina. An Angolan adolescent returnee ousts his frustration: "It is so difficult! I thought Angola had become better. I could have stayed illegally in the Netherlands. I had better done that."

Another complicating factor is the stigma that many returnees experience from the home community, those who remained in the country. In the majority of cases, returnees are welcomed with a mix of distrust and misunderstanding, especially in post-conflict situations where they might be seen as betrayers. After all, as in regularly heard comments: "They have left their own people while they were struggling for their lives"; "They were cowards who fled instead of fighting, and left their friends and family in misery instead of protecting them." Young Boris (17) from Bosnia and Herzegovina is often reminded by his friends that while he was going to school in Germany, they were in the midst of a war and did not have enough food. In other contexts, where families and sometimes whole villages have collected money for one refugee/migrant, the expectation is that this person will find a job in the West and send back enough money for the entire family or community. If these refugees return with no money or significant possessions, this is seen as either a failure or a stupid choice. Usually, relatives and friends simply cannot understand why their only hope of escaping from poverty has returned empty-handed. They are considered to have abused the trust of the people who gave them money to go abroad. They are the shame of the community. "You are insane. How could you go there and return without anything? You left Paradise!" was one reaction of a returnee's relative in Guinea.

Not being accepted by their closest family and friends has a major impact on people's identity formation. The shame, the feeling of failure and being rejected, play an important role here. It also makes returnees try to hide their transnational identity. Not being able to construct an individual identity has a major effect on the other aspects of embeddedness. It prevents the establishment of social networks,

which in their turn could be of use in becoming embedded from an economic point of view. These networks are normally of high importance in developing and post-conflict countries, where institutional structures for the (equal) allocation of assets such as employment, housing and social security are weak or non-existent. Not having access to these networks can therefore be very problematic in the process of re-embedding in all dimensions. Returning refugees, who will have to build their lives again from scratch, need these networks to make a start.

How important social networks really are becomes clear by listening to the various stories of returnees from Bosnia and Herzegovina. Before Senad returned from Sweden with his wife and baby, they had sent the money they earned by working illegally for his father-in-law. This man used his contacts as a lawyer to find and buy a cheap apartment in Sarajevo. In addition, he found his daughter a job as a teacher. With a house and an income, the young family now has a stable position to build up their lives. A less successful story is that of Suada, who had no place to go when she, her partner and her three children returned from Germany. So they spent all the money they had on transport and living in hotels, until they finally found a place in a refugee camp. Now, seven years later, they still live in a camp.

Even when the reaction of relatives and friends is not one of rejection as described in the Guinean cases, it is still a fact that returnees have very low priority in comparison to local people when it comes to housing, employment and social services. This is a prevalent attitude that is supported by civilians as well as government officials. In the case of Angola, the government is known to be very corrupt and to take advantage of the returnees rather than helping them. Returning migrants are often forced by the migration police at the airport to hand over their belongings. "I wanted to be free … and they pressured me … I had three bags with me, now I have two" (Mike). In the other countries, governments are either unwilling or unable to help the returnees.

Because of these difficulties that returnees have to negotiate, many of them are in danger of being completely left on their own, with no prospects or opportunities to start to rebuild their lives. Although it has to be said that every returnee is also relying on their own agency to negotiate these difficulties, with ever-diversifying outcomes. Even in the case of Guinea, for example, some of the returnees, although in a minority and having no economic means whatsoever, claimed to feel more at home and had a greater sense of belonging than they had felt in the Netherlands and so preferred their contemporary situation in their home country.

At this point, NGOs in the country of return could play an important role in interfering at micro level, to help returnees in the first phase of their return to get things moving. This already happens on a small scale in some countries, mainly consisting of financial assistance in kind or in cash such as micro credit programmes, temporary housing, and to a lesser extent "human" assistance, such as information and psychosocial counselling. Business start-ups and employment programmes often consist of a combination of financial and human assistance (Van

Houte and De Koning 2008). However, scale and budget limitations prevent this type of assistance from making a constructive contribution to re-embeddedness. Furthermore, monitoring of assistance hardly ever takes place.

When carried out on a broader scale, assistance programmes have great potential for integration in community development programmes. These programmes would have to focus on the returnee within the context of the return society and should include the local population as well, in order to promote integration and understanding between the two groups while at the same time ensuring equal development.

A special factor of economic embeddedness that is specific to migrants is remittances. These flows of money from migrants remaining abroad are very important in the economic situation of many migrants. However, this source of income is not a very sustainable one. Many families who receive remittances have no other form of income. Although the amount of money they receive is often just enough to survive, they are not stimulated to try to generate an income. This is dangerous, considering the fact that this source of income is very vulnerable to change, as happened to Muhammed and his family who fully relied on what his sister who lived in Germany sent them. When she was forced to go back as well, they were left with nothing.

When making up the balance at the provisional last stage of the migration cycle, it seems that most forcibly returned migrants such as Bosnians, Angolans and Guineans have major difficulties in all aspects of becoming embedded. Most migrants who have returned voluntarily, and relocated migrants such as the Somalis and the Surinamese, do not have problems with becoming embedded from an economic point of view. With social and identity aspects, however, the Surinamese have problems in being accepted by the home society, while Somali returnees, who left the Netherlands because of a lack of embeddedness on this dimension and relocated to the UK, feel much more comfortable than before, because they are able to express their transnational identity better. Apart from the differences between involuntary and voluntary return, a number of other factors influence embeddedness. The concluding remarks bring these together.

6. Conclusion

Although the caseload from the various studies that were used is relatively small, and the contexts of the cases are radically different, it became clear that return to any poor or post-conflict country is very problematic. Only a small segment of the caseload of (forced) remigration to these kinds of country was considered to be well embedded. Trauma, passivity, lack of skills and little prospect of a better life, means that the majority do not feel at home in their countries of origin. The likelihood of them moving on or moving back to the host country is very high. With little or no prospects for the future, the returned refugees will find their way back to Western countries to try their luck. This time, however, they will not bother

to apply for asylum, but use their knowledge about their former host country to slip in illegally. In the situation where there are not many opportunities for migrants and no special programmes to support them, the returnees have to rely mostly on themselves to find themselves a place in society. As so few of the forced migrants were able to construct a livelihood and become embedded again in all dimensions of their societies, the relation between forced return and development in these cases may be considered to be very weak.

Through placing more emphasis on how processes of embeddedness take place as part and parcel of the migration cycle, we hope to have demonstrated that the different dimensions of embeddedness are interrelated: building trust and constructing social circles go hand in hand with becoming embedded from an economic point of view and in constructing a sense of belonging, which is crucial in whether returnees become fully embedded again and the possible contributions they can make in their countries of origin. More qualitative research is needed to explore this interrelatedness and, while doing so, unravel more of the complex social reality that returnees exist in. Constructing some sense of belonging, both in the economic as well as the cultural sense, also crucially influences further decisions on whether to stay in the country of origin or to move on or back to the host country.

NGOs focused on development in countries of origin could be of great help for returnees in becoming embedded again, as in the case of Guinea and Angola where they were integrated in regular development projects in community development. Governments that are sending back migrants could support this type of NGO via Western partner organisations. Although there seems to be great potential in NGO assistance to returnees, it does not seem to be coming forward yet. Further research is needed to investigate how NGOs can make optimal use of this potential. In certain cases migrants are already mobilised for development on their own initiative in the diverse ways they organise or send remittances to their home countries.

In general, while involuntary returnees have severe difficulties in becoming re-embedded, this process is far easier for voluntary returnees, at least from the economic point of view.

The different interrelated dimensions of embedding influence the well-being and the feeling of belonging of returnees to their home countries or countries of relocation. For all returnees it counts that they are labelled in a special way in different discourses after moving. In the receiving countries they have to negotiate certain images ascribed to being a migrant, refugee or belonging to certain ethnicities and, when they go back, they do not easily fit into their old surroundings or identities but have to renegotiate their transnational and new returnee identity. This is a difficult and sometimes very painful process; most of the interviewed were still going through it.

Migration is a circular process. For voluntary and involuntary, returned and relocated migrants, all stages of migration influence how migrants return and how the re-embedding processes take place. Not only the conditions of return, but also the way in which time was spent in the host country and the often complex and diverse motivations to migrate in the first place influence the re-embedding process after returning or relocating. Using life stories as one of the methodological tools in studying processes of embeddedness and re-embeddedness can unravel the way in which these factors are of influence. Moreover, this methodology gives insight into the way questions of identity are tied in with the economic and social aspects of the return process and links them to those aspects that give meaning. Decisions to migrate or return are often not made on the basis of economic calculations only; instead they are complex and multidimensional. The way in which the experience of return and becoming embedded again is valued and given meaning by returnees is decisive for its sustainability. Knowledge about these re-embedding processes therefore cannot be obtained solely through studying migration patterns as objective and largely economic or conflict-driven patterns. For this type of research a bottom-up perspective is needed, in which the individual returnee is the focus of the study. In any such study, a qualitative part is indispensable.

Migration and remigration are not only circular processes but are profoundly transnational. Giving greater consideration to the circular and transnational aspects of these processes within migration policies could be helpful in strengthening the relationship with development. As for example the Suriname case shows, where people safeguard their Dutch nationality, sometimes moving back and forth, albeit living in two countries, in the end makes for a better anticipated and prepared return and a smoother process. This holds true for adolescent returnees in particular. In the Netherlands, different projects have already started to educate adolescent migrants that have to return. But also in the case of adult forced migrants, focusing less on the mere fact of their return and more on the possibility of returning successfully by already enhancing their chances in the host country could help to break through the paradox of restrictive migrant policies and migrants' transnational engagements. Most of the NGOs involved in the research are looking for ways to prepare migrants for a better and safer return, but often find their hands tied by restrictive measures or lack of funding.

The somewhat special case of Somali migrants relocating to the UK also makes painfully clear the need to consider migration as a transnational phenomenon whose policies should not be restricted to a narrow, national perspective of the receiving country only. Especially as, after going through the process of obtaining permanent permission to stay in the Netherlands and having passed Dutch language courses and other integration courses, their leaving was neither anticipated nor sought.

In sum, we hope to have made reasonably clear that both the transnational and circular character of migration and return migration, together with the economic, social and cultural dimensions of these processes require further exploration by

applying mixed embeddedness as an agenda for research. Both qualitative and quantitative methods can be integrated in such an agenda, especially when we are interested in the quality of return and the impact of return on individual returnees and their families.

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Spaces of Europe – Places of Homeland: Greek-Danish Diaspora Life in Narratives of Home and Return

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This article focuses on first- and second-generation Greek and Greek-Danish migrants and return migrants, exploring their experiences of geographical, social and cultural mobility in forging a sense of self and belonging. The analysis of narrative material explores these issues in relation to the Greek diaspora community in Denmark, their attempts to relocate to their ancestral homeland and their transnational relations. Furthermore, the meanings attached to the notion of "home" in a transnational context and the multiple processes of identification in response to cultural differentiation in how participants define belongingness in European, Danish, Scandinavian and Hellenic spaces are examined. It is demonstrated how "ethnonational homecoming" (re)defines how migrants negotiate their sense of self in relation to person-place relations but also through movement in social space. Narrative life-story data of migrants and return migrants form the empirical basis of this discussion. It is important to examine interconnected systems of social, historical, cultural and political dynamics in both "home" and "host" countries in terms of migrants' experiential narratives of space and the gendered constitution of home-spaces. This approach serves to inspect the process of appropriation of space through an examination of agency over the salience of ethnocultural signifiers. However, cultural ambiguities about identification and belonging may also conceal intergenerational tensions about how "Danishness" and "Greekness" is expressed through diasporic consciousness. In conclusion, the article considers how biographical and narrative research may serve to stimulate dialogue about the relationship of identities to place, in order to add to migration research on everyday life in the diaspora.

T his article deals with notions of migrancy and focuses on first and second generation migrants and return migrants of Greek and Greek-Danish origin and explores the way in which gender and ethnicity intertwine with experiences of geographical and social mobility in forging a sense of self and belongingness. In

particular, it explores the way in which migration contributes to a redefinition of migrants' biographies of mobility, change and settlement. The aim is to provide a reflective exploration of these issues in relation to the Greek diaspora community in Denmark and their transnational relations. Furthermore, the meanings attached to the notion of "home" in a transnational context and the multiple processes of identification in response to cultural differentiation are examined. Female participant narrative life-story data forms the empirical basis of this discussion.

One of the most revealing narratives in life history and biographical research in migration studies is that of the "gendered" self, that is, how women and men migrants explore their sense of self through their reflective negotiations of their awareness of migrant femininities and masculinities in diaspora life and through the lens of the ethnos. However, despite the increase in the emergence of literature on gender and migration,[1] there appears to be a need for more research. Several scholars are still hopeful that new interdisciplinary research for migration studies will include gender as a central and constitutive element and that the final result will be a more thorough and integrative gender framework for migration scholarship during the twenty-first century (Curran et al. 2006; Donato et al. 2006).

The historical and experiential reconstruction of migrancy, settlement and cultural differentiation through narrating and the development of an oral history biographical approach to research can reveal multiple experiences of "home" and the relationships between mobility and gendered subjectivity. I examine through the narratives of Greek and Greek-Danish female first- and second-generation migrants and return migrants, the subjective gendered perspectives of cultural change and how participants[2] cope with such changes in their personal, family and professional lives.

1. Emigration, gender and the Greek community in Denmark

In trying to sketch a profile of Greek migrants in Denmark, during conversations with participants there consistently appeared a vague numerical generalisation as to how many Greeks reside in the country. The Greek Community of Denmark would

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[1] For extensive reviews on the gender and migration literature in geography and other disciplines refer to Chant (1992), Kofman and England (1997), Boyle and Halfacree (1999), Kofman et al. (2000), Momsen (1999), Willis and Yeoh (2000) and Silvey (2004; 2006).

[2] During my ethnographic fieldwork in Denmark between August 2004 and January 2005 I collected a total of forty life-story narratives from both first- and second-generation migrants (consisting of several participants on a transitional phase temporarily residing in Denmark) and returning migrant groups (consisting of participants who at the time were on a transnational homecoming visit to Denmark, visiting relatives for the holidays) of varying socio-economic, educational and class backgrounds. The participants' ages ranged from 25 to 85 years and life-story narratives were collected from twenty female and twenty male participants. I decided to give "voice" to several female participants in order to discuss the themes of gender identity and belongingness in women's migrant lives in response to cultural differentiation and to examine the degree of agency involved in women's diasporic lives and the extent of their transnational relationships in their return migratory trajectory.

offer a number of nearly 1,000 persons but closer to about 800 dispersed throughout the country. Unofficial sources would estimate about 300 to 500 living in Copenhagen, the capital, and in some other urban areas such as Århus. The Greek Embassy, the governmental authority responsible for official records, had no indication as to how many Greeks lived in Denmark at that precise time and gave an approximation of 700–1,000 people. In this vague statistical pondering I was finally able to access the National Statistics Databank and accessed the numbers for 2004: hence, the total number of Greeks living in Denmark at the time was 954 persons. Out of that number, 567 had declared foreign citizenship and 307 had declared Danish citizenship. Out of the total number of 954 persons, the total number of males was 694 while 260 were females (Danmarks Statistik).

In terms of a typology of the different waves of Greek migrants to Denmark, from my fieldwork I ascertained four distinct categories of migrants based on the different reasons that led to their decision to relocate to Denmark. These categorisations are as follows:

Economic migrants: Mainly unskilled workers who left Greece in the 1960s to improve their living conditions. Most of them came from the area of Evros, the Dodecanese and Crete but also people from the area of Kastoria who were involved in the fur business. Only a few still work in the fur business in Denmark as it is currently saturated and rapidly declining. Most labour migrants work in restaurants and factories and some are bus or taxi drivers. Very few migrated with their families and eventually return migrated to Greece.

Political refugees: During the seven-year military dictatorship in Greece (1967–74) many Greeks left the country for fear of arrests due to their political beliefs. Denmark, being a liberal and democratic country, offered freedom and support. Many Danes contributed and supported the resistance struggle.

Scientific, professional and student migration: When Greece joined the European Union in 1981 many Greeks were able to pursue undergraduate, postgraduate studies and professional careers outside the country. The exceptional academic standards of Danish universities as well as the abundant state funding available in the form of scholarships and other benefits attracted many young Greeks who came to take up higher education training. Many pursued careers in the healthcare professions and others in teaching and research. All these individuals decided to permanently stay in Denmark.

Personal reasons: A large percentage of Greek migrants in Denmark relocated due to their Danish partner. This has occurred mainly with Greek men meeting Danish women but there are also cases of Greek women meeting Danish men, both usually on an island during a summer vacation. However, the high rate of divorce in these cases of mixed marriages is quite striking. Many Greeks did return to Greece after their personal relationship disintegrated.

2. Narrative, subjectivity, cultural change and agency

The aim of this section is to briefly address my selection of approaches to the theorisation of gender, biography, culture, agency, subjectivity and the self.

When life narratives become reflective accounts they give us access in comprehending relationships with others and how prevailing norms, as well as cultural signifiers, shape those relationships. Narratives deepen our understanding of how social and cultural spatialities transform through subjective expressions of migrant life-story accounts embedded within those specific socio-cultural circumstances. Such narratives offer "unique glimpses of the lived interior of migration processes" (Benmayor and Skotnes 1994: 14). A storied narrativisation of life gives meaning in not only expressing events and experiences of migrancy but also allowing social and cultural meanings to emerge and thus the fluid depiction of migrant life which "can itself be perceived as a form of movement" (Rapport and Dawson 1998: 28). Life-story narratives form a particular configuration in which the subject is given voice not only to experiences but also to the ambivalence produced by cultural, gender and generational societal conditions. In studies that mostly focus on unskilled economic migrants and refugees, it is often important to highlight the agency of these individuals in several contexts of migrancy in order to avoid presenting them as essentially disempowered. This involves an emphasis on their resourcefulness and creative capacity to adapt to constraints and develop various forms of survival strategy. Furthermore, it is important to situate these experiences within the context of the life course as this clearly indicates that certain constraints are not a permanent aspect of migrants' and refugees' lives, but are often transitory. Migrants' lives and identities are "reinvented" as they occur under transforming conditions but they are also undoubtedly transformative. Therefore, agency is an important element in the study of gender and migration and one that is linked with the discussion that follows on narrative, subjectivity and cultural change.

It is now clear that gender study is no longer exclusively limited to the analysis of families, households, or women's lives, as the entire migration process is perceived as a gendered phenomenon (Boyd and Grieco 2003). Scholars now analyse gender in the lives of both female and male migrants, in the politics of migration, in diasporas, from state and workplace policies to the capitalist world system at large. The study of gender spans across a wide variety of spatial scales, from the local and familiar to the national and global, in short explaining migration and its interconnection to these domains, to what has been termed "gendered geographies of power" (Mahler and Pessar 2001). Hence, migrants themselves often become particularly aware of the relational and contextual nature of gender as they attempt to fulfil expectations of identity and behaviour that may differ sharply in the several places they live (Donato et al. 2006: 6).

It is important to note that feminist geographers have focused particular attention on the ways in which power is manifest in and through the identities of migrant and immigrant "communities" (Silvey 2006: 69). In examining the meanings of

belonging in migrant communities, gender relations and the portrayal of women as transmitters of culture (especially among the second-generation, Christou, 2003) and bearers of the nation (Yuval-Davis and Anthias 1989; Yuval-Davis 1997), we realise that such relationships are intrinsic to shaping identities but also to forging ruptures with the cultural background.

The celebratory approach of transgression concepts rests on the various mixtures of cultural elements with different origins and "transgression" as such, the hybrid, and the ambivalence it is characteristic of and also the very ability to be "at home" in different cultural settings (Frello 2006). An exemplification of such an approach can be found in Ulf Hannerz' (1992; 1996) discussion of the cosmopolitan. Hannerz defines cosmopolitanism as a certain "metacultural" position, which implies a detachment from the culture of origin and a willingness to engage with the other – that is, an intellectual and aesthetic stance of openness toward divergent cultural experiences. In this case we are able to locate the critical potential of transgression in the cosmopolitan, the one characterised by the ability to rise above the local perspective, that is, the ability to engage in other cultures and at the same time have a reflexive distance with their own cultural background. According to Hannerz, some groups are more likely to be cosmopolitans than others. The typical cosmopolitans are members of transnational occupational cultures, such as diplomats or intellectuals whose "decontextualized knowledge can be quickly and shiftingly recontextualized in a series of different settings" (Hannerz 1996: 109). Although migrants or refugees cross borders they are, according to Hannerz, not the most likely cosmopolitans. Because of their vulnerable situation it is more likely that they will seek to avoid the cultural challenges implicated in moving to a new place. However, such views have been contested as we can locate the cosmopolitan in the working class (Werbner 1999), but also in discussions of the various ways in which cosmopolitanism (cosmopolitan democracy, cosmopolitan citizenship, discrepant cosmopolitanism, situated or rooted cosmopolitanism) is presented as offering the means of new forms of belonging and politics that are beyond the confining forms of the nation-state (Yegenoglu 2005).

In addition to those already mentioned, various other theorists in their critique of the cosmopolitan, post-modern elite focus on both class and cultural categories. One cannot fail to mention Stuart Hall when thinking of such discussions. Stuart Hall, among other theorists on cultural transgression, such as Homi Bhabha and Paul Gilroy, inspired mostly by poststructuralist theory, advances a theoretical point of view, which implies that identity in general is conceptualised as being constituted through – rather than being simply an expression of – difference.

In Hall's writings, however, the very migrants and refugees, whose position according to Hannerz is too vulnerable for them to be able to form the basis of a cosmopolitan outlook, primarily occupy the possibility of occupying a transgressive position in relation to conventional cultural categories. One has to be sufficiently outside the central unifying cultural categories in order to critically examine and question them while interrogating one's own position. This is

precisely what has been referred to as the double consciousness of the exile, of the migrant, of the stranger who moves to another place, who has this double way of seeing it, from the inside and the outside (Gilroy 1993; Hall 1996).

It is within such a theoretical framework that the participants are situated in my study in order to argue that as active agents they construct their sense of self, place and belonging through an intervention into rigid cultural categories and by enacting their own performative expressions of cosmopolitanism, both in its intellectual as well as its working-class forms. Hence, the study of the (return) migratory phenomenon contributes to a redefinition of women's biographies of mobility, change and settlement and this, I argue, is another way to situate cultural diversity and cultural change in both home and host countries. In the following section I use excerpts from the participants' narratives to illustrate their agency, a "feminisation" of migration and their cosmopolitan subjectivities of life in the diaspora.

3. Narrating "home", gendering migrancy and the making of life in the diaspora

The variety of migrants' life stories in my research was quite diverse, as was the degree and extent of their agency. This was particularly apparent in the case of female participants. Such degree of diversity ranged from the case of an 85-year-old woman who migrated with her Greek husband and two sons some forty years ago, and although uneducated managed to learn the Danish language and work in a factory as an unskilled worker until she received her pension. Much later in life, she talks about her courage to divorce her husband after several decades coping with an abusive relationship and struggling to raise her children in the midst of her husband's extra-marital affairs, gambling and other substance addictions. Undoubtedly the hardest trial in her life was dealing with the death of her younger son from an overdose. She repeatedly emphasises that her only source of happiness and joy today derives from her active role as a great-grandmother; enjoying the excellent relationships she has with her former daughter-in-law, her granddaughter and her great-grandson. Her particular agency in overcoming cultural obstacles is transformed into her role as "cultural transmitter" for the third and even fourth generation in accompanying her descendants on "homecoming" visits to their ancestral homeland and teaching them the Greek language, tradition and values. She had indicated to me in several conversations that her recurrent attempts at return migrating to Greece have posed many challenges to her as she feels that she has constructed a "homeplace" in Denmark. Yet, she continues to lead a transnational life and considers her life as being in a fluid process of "emotional" and "mental" return migrancy.

On the other hand, we encounter another case, that of a single mother in her early 40s, professional and highly skilled who is raising her daughter mostly on her own, while trying to instil, selectively, Greek values in her child's everyday life in Denmark. We find that even highly skilled, highly educated, multilingual, professional women face problems integrating in Denmark but they utilise their

own agency to make comfortable spaces of cultural mixing that incorporate European, Hellenic and Nordic cultural values. She also makes repeated "homecoming" visits to Greece and spends lengthy times with her child in a transition stage in preparation for return migration to the homeland.

Hence, as regards the layers of migrancy in the diaspora, some of the most pertinent questions that arise are as follows: How is life in Denmark for these women? How does the change impact on their personal, professional and family lives? What type and degree of agency do these women have over their state of migrancy? On the other hand, for those women who did return migrate, it is important to examine their sense of agency in the (re)integration process in the (ancestral) homeland.

Here is a characteristic excerpt from Sophia.[3]

> Our life in Denmark was difficult and easy, pleasant and unpleasant. It was difficult in terms of social relations as neither of us spoke the language so I was forced to learn the language so at least one person knew Danish. I think that the Danish family is very closed and so is the society that manages to disguise that very well and appears to be very open but it is very confined. Our first encounters were mostly with the professional environment of my husband and my interactions with the parents from my daughter's school who are not Danes. We made a conscious choice not to send our children to a Danish school. The reasons why we decided our children not to go to a Danish school are very specific and despite the fact that we had every intention to integrate, to become part of this society, to actively participate in this society, at the end we realised that this was neither easy nor exactly as we had expected it to be. … So our encounters were mostly with foreigners in the country all these years and with Danes our encounters were mostly from my husband's professional environment. This of course didn't help us in becoming full members of this society like we had in other countries we had lived in the past and at the end I'm not sure if it was so negative because sometimes it is best to detach yourself for the problems you have to become problems of you belonging in a country so in this respect it had its positives, on the other hand we managed to accomplish a lot of things in a very short time by working I think double than most Danes work. In other respects it is a country that helps you but I don't think it is the land of opportunity like America is for example, but on the other hand the system does work, but it is very difficult for you to find out how that system works so you can manage to use it to your advantage (Sophia, 42 years old).

One of the first conscious changes in implementing a plan of integration was for Sophia to learn the Danish language in order to be able to communicate in her everyday interactions but also in order to pursue a professional life. Her husband, who is also an academic and researcher, basically refused to learn Danish and uses English at university or elsewhere in Denmark. Sophia asserts her awareness of having to make efforts in achieving integration, but is also very much alerted to her own agency and makes selective choices as to the degree of compromise she is willing to making in order to fit into Danish society. For one, the selection of an international rather than a Danish school for her children to attend and developing

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[3] All names used are pseudonyms.

social relations more with foreigners than with Danes is one of the areas where she projects her autonomous decision-making capacity as more important than a path of smooth integration into the country. Moreover, there are certain structural obstacles in trying to "go ahead and develop" oneself as a migrant in Danish society. One of those obstacles is acquiring the proper information in order to integrate and develop your future, which does not always come easily.

Migration is undoubtedly a multidimensional phenomenon that encapsulates cultural components in both public and private spaces. On many occasions it involves personal struggles in the family environment. Another participant, Martha, reflecting on some of her struggles, points to the impact that migration has had on her sense of maintaining solidarity in the family in order to cope with the "exile" of "foreign lands". Although she initially believed that a father figure would be very important in giving a sense of stability to her children, decades later she reconsiders that position:

> But there isn't a moment, there isn't a day, an hour, the time when I say sometime, well, now it was my fault as well, it was the parents' fault, and my children used to say to me, "Mom why don't you get rid of him", and I would tell them, "I did it for you, so you wouldn't grow up without a father", well, as if they had a father to begin with, but I would tell them, it was for you, for you I keep him, I don't keep him for myself, I didn't even want to look at him but I was thinking to myself, in foreign lands for them to grow up without a father but that all was nonsense, ridiculous things, that is why so many years went by like that (Martha, 85 years old).

But migration is also a process of self-searching, self-reflection, transition and transformation. Migration is not sole mobility or even stasis for that matter. Even when one settles in the country of destination there seems to be internal mobility as one thinks about the ancestral homeland and transfers such nostalgic feelings not only to the second but even to the third generation. Lydia talks about such feelings quite powerfully in the following excerpt:

> I feel like I am a Dane, but meaning what, a Greek-Dane, because I would never become a Dane-Dane and Greece is very much alive inside me, it is a part of my character, it is a part of my life, every year I go there for my vacation with my family, both my Greek and my Danish family, and I have those encounters and relations with Greece, I go about four years annually and I feel right at this moment that I have my family in Greece … but I said since I am now here and I have to try to find ways of being in Greece often without losing the language and my relationship and my relations and my inner relationship with the Greek world. Which is always strong. Always strong, always, even now. Because the way I see it, how do I see it, I see it as every time I come back from Greece from vacation and holidays I face a whole week of melancholy, light depression, not psychosomatic, no, it is emotional, like I am in a state of sadness, a sadness, sadness, one whole week of sadness during which I cannot work, I read Greek books, I read Greek newspapers, I take them with me until I get out of this week and I say to myself, now it is time to get out of this, it is a conscious decision to exit from this sadness and there is no reason for me to be in this sadness because in four months I will be back in Greece but it is an internal process, probably that is what it is which my children also go through to tell you about the second

> generation. My daughter has the exact same thing and now my granddaughter has it. … There is however a certain pain which you try to soothe but every time you have a crisis, personal, social, family, professional, those wounds open up again and you tell yourself, "why did I leave my country, my family, my language, my homeland, why aren't I there in order to contribute?" (Lydia, 66 years old).

Finally, in the last two narratives, Catherine and Alexandra draw on their personal family experiences of how one maintains ethnic and cultural bonds with the ancestral homeland especially in the case of the second generation. Both women talk about a conscious effort to transmit ethnocultural symbols to the next generation, for instance in teaching them the language and tradition.

> I have noticed a lot of changes in Greece. A lot. When I go there because I go two-three times a year since '73, I see that Greece is heading backwards, a lot, I see it in my family, I see it in my friends, my relatives, I try because when I return back I return the same way I was when I left Greece and I think that things should remain that way but unfortunately they have changed everything a great deal, very much so, extremely so but when I am there I try to be Greek, a Greek like them, the price is very high, it costs me a great deal of pain, a lot so because it is very difficult to have two faces. I feel Greek inside me, I cannot change my ethnicity and culture at all, I try to make it always first but I place it along with the Danish one and I feel that a part of my life to be peaceful, but when I do something like a prediction of what will happen to me and what I will do, I think in Greek, I think that I gain with that and when I am at my job I am a Dane because there for eight hours in order to get my money and to have a good time, they respect me, I respect them, we are friends but to the point of being friends only at work. I don't invite them and I don't want them to invite me to their place. But inside me I think a lot as a Greek. I taught my children the Greek language (Catherine, 56 years old).

Alexandra emphasises that cultural transmission is a conscious act but above all not always necessary for a smooth integration of migrant offspring. She believes that a child's happiness is far more important than the maintenance of one's ethnic and cultural roots while, obviously, depending on the migrant's origins there are degrees of acceptance in the host society:

> Yes, to maintain one's Greekness, it must happen consciously. I cannot talk about everyone in public but in my life it is impossible and I try to maintain my Greekness as much as I can, but in reality there is a decrease in all those things in my children and I see it coming, as much as I try and I see it from my husband as well who comes from a mixed family, his father is of course Greek but he wasn't one of those fathers who was fanatic with his ethnicity and culture … so many things that make me wonder what will happen in the third and fourth generation, how much Greekness will my grandchildren have. So consciously we try but due to reality I see that there is a withdrawal and this kind of withdrawal somebody would characterise as small and others as big, meaning how much can somebody remain Greek. Yes, I don't believe that I have to make my children keep their Greekness, and who is a Greek, as opposed to their happiness, to their adjustment and to their future which I think doesn't really influence them … It is a very subjective issue and it depends on the family and the circumstances as in every country. Yes I believe this and the same holds for Greece even, whatever values you will give to your child depends on the family and the consciousness of every person. They say that values have been named Greek but in Greece there are

> values that no longer have a name and those are the ones that we have to give our
> children as well as within the area of Greek identity (Alexandra, 43 years old).

Alexandra's narrative offers an account of how the first generation perceives its role as cultural transmitters. But how does the second generation perceive its trajectory? For one thing, why do second-generation Greek-Danes venture on a return migratory project? One participant explains that it is a search for roots:

> I think just to find our roots, … but I had to go down and see this country that my
> father left and sees it like a country from the third world, I mean when he left it, it
> was a country from the third world but you still see it as this and I had to go and
> see how it is like, how is my family like … (Natalia, 34 years old).

During the collection of life stories and narrative biographical data the second generation returnees dwelled on their experiences in Greece. They included critical as well as positive commentary about "life lived" in Denmark as well as "living life" in Greece. However, on a deeper psychic level, the return migratory project is also characterised as a self-actualisation process of introspection. It is actually an identification project and a reflective experience of belongingness:

> And for me you know it was very good because it was Greece and even now it is
> like a country you go on vacation, I hadn't lived the regular life in Greece. So I
> went and it was a tremendous experience because I understood then that I belong
> to Denmark rather than Greece. I felt not as a foreigner but when I was in Greece
> I would see the Danish aspects that I have and when I am in Denmark I see the
> Greek side, so I can't say that I am completely Greek or completely Danish, I see
> that I have both and I try to take the good parts from both the Danish and Greek.
> But what made a big impression on me was that in Greece you live like a robot.
> That's how I feel, that you don't have your freedom, you run around here and
> there, it's difficult, it's difficult to make new friendships, I see that the Greeks
> keep their friendships from their childhood years, it is very difficult for them to
> make new friendships (Daphne, 27 years old).

But when they do spend time in the ancestral homeland and they are confronted by experiences that stimulate their introspection, how do the participants identify? What sense of belongingness do they express? Some of the most characteristic responses are the following:

> I am lucky I think because I have two of everything, two idiosyncrasies, two
> cultures, two languages, I am lucky, others have only one language, one culture
> and they don't know anything else, I feel very lucky (Dina, 30 years old).

> I think it is completely subjective, it depends on where you have lived, with who
> you have lived, who your parents are, if your parents agreed on things or if each
> one had their own opinion, where your siblings are, there are a lot of things in the
> middle, you can't say something general about identity and belonging (Michaela,
> 25 years old).

It is clear that, as a complex notion, identity in the case of the participants occupies a sense of duality; it is always in the making, non-stable, not fixed and constantly under negotiation between the "here" and "there". Yet, instead of deep confusion it

appears to offer a sense of harmony and completion of one's life experiences along with a wider sense of one's surroundings and "place" in the world, a wider context than a confined cultural space. However, above all, belonging and identity are subjectively mediated notions translated through personal and experiential cultural circumstances.

4. Conclusion: reflecting on women's words and women's actions

> I wanted to add something and I don't know if you can use this or not but it is an observation that we make very often, all of us Greeks when we discuss and we say that all this searching that we do and all this questioning, what is good, what is bad, what is better and this critical position that you automatically develop when you have become a citizen of another country and you start to analyse all things and you search everything and you try to find the negative aspects and you end up seeing everything in a relative manner, if at the end this type of questioning makes a person happier and if it is better or not to have come to Denmark and then return to Greece but then again what if you hadn't reached that point to have the need to analyse all that. Is it better or not for your happiness, is it, in other words to make it simple, is it better or not to question anything and perhaps you may be happier in your ignorance or not? It is a good question which I haven't answered yet and I don't think that it will ever be answered but it is a good topic for research for you to investigate in the future and I would like to read your work when you complete it, it is the next step, the one thing is that you feel you are split, divided, confused and you feel that nobody can tell you that you are not and the next thing is if that is good, if it is good for you as a person or if it is harmful, does it help you, you could easily say yes because it makes me a better person, that is, it is better than being an idiot and to be ignorant but it requires some thought (Alexandra, 43 years old).

Alexandra's final thoughts on how migrants perceive their state of migrancy upon relocation to the ancestral homeland provides a series of questions that characterise the lives of migrants. First, is all this critical reflection necessary? If so, is it fruitful or potentially harmful? Second, does it provide any avenues towards happiness and inner stability or would it be preferable to ignore the psychological, social and cultural implications of one's migration venture? These are all valid and interesting questions but fall outside the scope of this article. In examining the life stories of Greek female returnees who maintain transnational mobility and their narrativisation of home, belonging, self and diaspora life in how they envision their roles as mothers, wives, professionals, etc. in between the spaces of Europe and those of the ancestral homeland that they mentally, emotionally and physically inhabit, we come to realise that what underpins any sense of cultural change is the women's agency and their conscious acts of self-development and self-ascription. As Goodson (2006) indicates, today there is greater interest in "life narratives" than "grand narratives", however, he warns of three dangers in life history research: that personal life stories may prove to be an individualising device that obscures collective circumstances; that life stories are socially scripted, they fulfil particular archetypes or follow established scripts, but need to be culturally located; that life history data can be too easily decontextualised, and need to be located within a broad historical context. As an alternative, Goodson proposes the notion of

narrative capital to convey a personal and institutional quality needed for modern life. In this sense, we as researchers need to capitalise on the strengths of narratives in unveiling the cultural connotations of migrancy but we also need to steer clear from the essentialising and dehumanising weakness of such narratives that do not historically and politically locate the self in the production of cultural space, otherwise those stories will not become dialogic and will remain anchored in culturally fabricated monologues.

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Back from the "Outside":
Returnees and Diasporic Imagining
in Iraqi Kurdistan

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Iraqi Kurdistan is a "homeland" for a growing diaspora of Kurdish people living throughout the West. In this article I argue for return migrants' narratives about life in the West as a constitutive element of a Kurdish diasporic imaginary in the homeland itself in addition to in the West. The first significant numbers of Kurds to out-migrate were mainly young men who fled the 1975 collapse of the Kurdish rebellion against the central government in which many of their peers perished. Most settled in Europe and the United States. Theirs was probably the last generation of Iraqi Kurdish out-migrants to experience a thorough rupture from their past that was sustained by Iraq's ongoing political unrest, totalitarianism, and relatively sealed borders. This changed dramatically in 1991 when the Kurdish region of Iraq became functionally independent from Baghdad. Thousands of migrants left Iraqi Kurdistan (now known officially as the Kurdistan Region) for the West during the following decade. During the same period, Kurds who had migrated to the West in both the present and previous decades returned, most on short-term visits. Throngs of neighbours, friends and kin peppered each returnee with questions and listened raptly to accounts of life in the West, which they referred to simply as the "outside". These encounters instilled those remaining "inside" with a new communal consciousness formulated vis-à-vis the West. This and accompanying political and technological changes have resulted in Iraqi Kurds' becoming a diasporic people even though most have never left "home".

> "Now people are starting to think more like people on the outside. I think that is because so many of us have gone out, and when we return we bring our ideas with us. Now when you look around you see many things that come from the outside, such as the way people dress. They all have clothes that they brought back, or that their relatives sent them." (Returnee from the United States to Dohuk, Iraqi Kurdistan)

I raqi Kurdistan is a "homeland" for a growing diaspora of Kurdish people living throughout the West, and in turn, Kurds living in the West hold an ongoing,

important social role for people in the homeland. The Kurds, an ethnic group famous for their condition as "stateless" (e.g. Vali 2001) and "without a country" (Chaliand 1980) have started to become a diaspora people only during the past few decades. It is estimated that over 1 million people whose main ethnic identity is Kurdish now live in the West.[1] Like other peoples newly in diaspora, many Kurdish individuals resident in the West live a transnational lifestyle in the sense described by Basch et al. (1994). They travel "home" on visits or in some cases to stay for the long term, and maintain interpersonal and material investments in both the "homeland" and "host society".

In this article, I argue for return migrants' narratives about life in the West as a constitutive element of a Kurdish diasporic imaginary (Axel 2001, 2002)[2] under construction in the homeland itself in addition to in the West. In becoming part of a self-conscious diaspora, Kurdish people in diverse locations have come to see themselves contextualised vis-à-vis the West,[3] and movement between core and periphery communities has become naturalised. Accounts given by people who have returned to the homeland from abroad, I argue, are instrumental in the formation of this contextualisation and naturalisation.

For this research, I spent time listening to people in Iraqi Kurdistan newly returned from the West talking informally with relatives and friends about their experiences. I also carried out informal conversations and interviews with returnees and their relatives and friends. My first trip to Iraqi Kurdistan was in 1995, and I have returned on average every other year since. My research in the Kurdish homeland has centred around Kurdish families that have had some members out-migrate to the West. In the case of one group that left Iraqi Kurdistan in a United States

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[1] The Kurds, a people numbering at least 25 million and the fourth-largest ethno-linguistic group in the Middle East, live mainly in a mountainous zone spanning the Islamic Republic of Iran, the Republic of Iraq, the Syrian Arab Republic and the Republic of Turkey. Their dispersion across several states has led to a diversity of histories, especially during the past century. For example, while the United States and its allies provided protective air cover to Iraqi Kurdistan during the 1990s, they sold materiel to Turkey for use in its scorched-earth campaign against its own Kurdish population. The Kurdish population is also diverse in terms of subcategories such as religion, tribe and dialect; in exile people generally associate with others from these subcategories, and keep old intra-ethnic rivalries and suspicions alive in diasporic cities. This article concerns Kurdish people from Iraqi Kurdistan, who number about 4 million. It does not take into account other Kurdish diasporic communities, such as the large population of Kurdish "guest workers" from Turkey and their descendants in Europe, especially Germany. Neither does it consider Kurdish political mobilisation in and through diasporic fields, a topic deserving separate treatment. Wahlbeck (1999) covers this and aspects of Kurdish experience in Europe in more depth than any other author.

[2] I use "diasporic imaginary" not exactly in Axel's specific sense of a metonymic (tortured) body standing for a diasporic social body, but I do use it in his general sense, in which he urges that studies of diaspora be broadened beyond "homelands" so that "the homeland is only one among several very important aspects of the diasporic imaginary" (Axel 2002: 426). The aspect I seek most to emphasise here is the way in which non-migrants in the homeland have access to new cultural forms through return migrants.

[3] Although some (e.g. Werbner 1997: 12) argue that transnationals are people who "think globally", I disagree. I think Iraqi Kurds have acquired new thinking encompassing the homeland and the new migration destinations in the West, but this is binary thinking, not global.

Government evacuation in 1996,[4] I have had extensive contact with both the migrants in the West and the families they left behind in Kurdistan, mainly in the small cities of Dohuk and Zakho. To a lesser extent I have also focused on people affected by previous migration outflows in the 1970s and 1980s, both their families in Kurdistan and the migrants and their descendants in the West.

History records that Kurdish people have rarely exited their mountain ranges en masse. They did so most notably when Salahaddin, founder of the Ayyubid dynasty and born to Kurdish parents from Tikrit, ruled the Levant, Egypt and Arabia in the name of Islam during the thirteenth century. Perhaps the famous Kurdish saying, "Damascus is sweet, but the homeland is sweeter", dates from this period. Whatever its origin, I have heard people invoke this saying with reference to points much farther afield, such as London or San Diego, cities with significant Kurdish populations. For centuries, however, the saying must have been of limited use, as out-migration did not take place again on a major scale until the 1970s.

The first contemporary wave of out-migration from Iraqi Kurdistan consisted mainly of young men who fled the 1975 collapse of the Kurdish rebellion against the central Iraqi Government. Many of their peers perished. Fleeing to Iran, some were accepted by Western governments as refugees. Most settled in Europe and the United States. Meanwhile, Iraqi Kurdistan continued to be a place of upheaval and suffering as the Kurds clashed with Saddam Hussein's government. Over 100,000 Kurds were killed in the "Anfal" campaign carried out by government forces against them in the late 1980s. Many more Iraqi Kurds departed for the West following these events, some leaving as refugees from Turkey and Iran, often after a wait of several years. In 1991, under pressure from the United States and its allies as the Gulf War came to a close, the Iraqi Government withdrew its administrative and military control from the Kurdish areas of Iraq and Kurdish leaders asserted control, ushering in a relatively stable, prosperous period. Various security threats remained, including a reassertion of dominance by the Baathist central government until its ouster by a US-led coalition in 2003, conflict between the two dominant Kurdish parties in the mid-1990s, and threats from violent Islamists and others opposed to the US occupation. Overall, however, Iraqi Kurdistan was an immeasurably safer place to live after 1991 than before. Not surprisingly, then, 1991 marked the beginning of Iraqi Kurdistan's age of return.

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[4] In 1996 Iraqi dictator Saddam Hussein declared all persons associated with the West and Westerners to be traitors, a crime punishable by death. Many Iraqi Kurds were employed by the many American relief and development agencies working in northern Iraq following the 1991 Gulf War. When most of these agencies departed abruptly following an incursion by the Iraqi army into the Kurdish area, the US Government responded by evacuating and resettling many of their employees and their families in the United States. See Cockburn and Cockburn (1999) for a detailed account of these events.

1. Contrasting lifestyles

My trips between Kurdish communities in the West and in the homeland were sojourns between worlds of vastly different life experience. Iraqi Kurdistan was a largely peasant and post-peasant society. Patrilineages and tribes wielded great influence. A large portion of the population, especially older women, was non-literate. Due to the previous three decades of conflict, there was little industry to speak of, and electricity was scarce. Many households were only partially reliant on the cash economy, and were again involved in agriculture after years or decades away from their villages due to conflict. Of these, a high percentage spent most of their time in cities and worked village land, most of which was far from electricity and other amenities,[5] on a seasonal basis. Many men, but only a very few women, worked for wage labour or as petty entrepreneurs, although a high unemployment rate persisted. A few men represented an exception, and were in the process of becoming rich in the new Kurdish-controlled economy. Since the region where I worked was a border zone with Turkey, there was heavy trade despite UN-imposed economic sanctions, and the many Western relief and development agencies present since the Gulf War also boosted the local economy.

In short, most people were cash poor but time rich. The activity that most appeared to interest and entertain people was "visiting" – spending time at home, in others' homes, or (in the case of men) in coffee-houses conversing with friends and relatives. Most people spent a significant amount of time, especially in the evening, visiting and/or attending to visitors, or engaging in what Antoun (2005: 5) calls "lively after-hours family and friend-oriented public life".

Meanwhile, Kurdish migrants to the West were living a markedly different lifestyle, their activities dictated by late capitalism and its institutions. Most men and some women worked for wages, working on average much longer hours than in Kurdistan. Children attended school to a later average age, and a few high-school graduates were beginning to study at colleges and universities. While people told me that they wanted to visit each other as they had in Kurdistan, they did so much less frequently, even when living in close proximity to other Kurdish friends and family members. When asked to describe how their lifestyle in the West differed from their past in Kurdistan, most people first mentioned "work". "In America all we do is work, work, work!" people would say. They also made frequent mention that their life in the West was comparatively free from fear. "Life in America is very safe," was a typical comment.

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[5] In the years leading up to the 1991 Gulf War, the Iraqi Government destroyed over 4,000 Iraqi Kurdish villages. During the 1990s most of these were rebuilt with Western aid. While most families eagerly returned from urban areas to their villages as soon as they were rebuilt, in many cases their stay was short-lived. Many of the rebuilt villages lacked adequate water and/or sanitation, schools and other desirables. Young people especially preferred the cities and towns, and families that had relocated to their historic villages once again ended up spending most or all of their time in the city.

2. The age of return

Most Iraqi Kurdish people who migrated to the West prior to 1991 experienced a thorough rupture from their homeland due to Iraq's ongoing political unrest, totalitarianism and relatively sealed borders. From their new locations in such places as Germany, the Netherlands and the United States, they were afraid to use the phone to call home for fear the lines were tapped. Sending letters was also risky, since they could be intercepted by government agents, and besides, there was very little travel by ordinary individuals between the West and Iraq. In addition, families and associates left behind were more likely to remain safe if the government did not know the migrant's status to be alive and well and living in the West. So in many instances, those who made it to safety in the West refrained from sending word to their families even when the rare chance to do so came along. During this period, Iraqi Kurds living in the West were not so much a "diaspora" as they were immigrants, and Kurds who lost relatives to the West did not so much engage in a "diasporic imaginary" as simply mourn loved ones lost, some to death, and others to a far, inaccessible location and new life.

This state of affairs changed dramatically in 1991 when the Kurdish-dominated region of Iraq became largely independent of Baghdad. The new Kurdish administration was much more amenable to border-crossings than had been its Baathist predecessor. Seemingly overnight, Iraqi Kurdistan was transformed from an "out-of-the-way" place to one where cultural flows converged, a "margin" (Tsing 1994). Kurds who had migrated to the West returned, their first visits marked by joyful, emotionally expressive reunions, a number of which I witnessed. Most came on short-term visits lasting no more than a few weeks, although a few stayed for the long term, mostly to work in the new government administration or with one of the international relief and development agencies, where their language skills came in handy.

While 1991 marked the start of a great inflow of returnees to Iraqi Kurdistan, soon another, larger flow of migrants had begun that went in the opposite direction. Thousands more migrants left Iraqi Kurdistan for the West during the relatively stable years between 1991 and 2003.[6] Once established in the West, these migrants, too, began to return on short visits.

By the late 1990s the phenomenon of the returned migrant receiving guests had become part of everyday life in Iraqi Kurdistan. The pattern of visiting in which local people were already engaged provided an ideal structure for returnees and non-migrants to engage in discussions out of which emerged the diasporic imaginary – a conceptualisation by people in the homeland of their own experience

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[6] The massive rates of out-migration from a place that was much more stable and democratic than in the past vexed European and Iraqi Kurdish regional government officials alike. Why did migrants start leaving *after* Iraqi Kurdistan entered a period of relative peace and stability, rather than before? I have speculated on this elsewhere (King 2005), and attribute it to several factors, including a breakdown in the system of patronage and clientage previously tied to the central Iraq state.

and possibilities vis-à-vis those of migrants, a new sense that the community of Iraqi Kurds was not confined to a single place, new moral formulations, fashions and a host of other new ideas wrought through contact with diasporan Kurds.

Especially if returning for the first time after a long absence, the returnee was often met at the border by dozens of well-wishers, or sometimes hundreds in the case of well-known persons such as members of chiefly families. The traveller returned to the household of close kin, usually parents or siblings. From the start, neighbours, friends and family members would arrive to sit with the returnee for hours at a time in the household's guest room or garden area (depending on the season). Women would prepare tea and meals as throngs of visitors questioned the returnee and listened attentively to accounts of life in the West. In some cases this went on for weeks. Especially during the early years, there was a clear atmosphere of novelty as the migrant was peppered with questions. The West was clearly a desired place that local people found extremely attractive, and they seemed never to tire of hearing about life there.

3. A diaspora-in-the-making

My research visits to Iraqi Kurdistan began in 1995, and on subsequent visits I have seen subtle changes in vernacular culture that have come with increasing exposure to sojourners, most of them return Kurdish migrants, from the West. For example, Kurdish tea is typically consumed with large amounts of sugar, unlike most parts of the West, where sugar is optional. When a guest in people's homes during my early visits to Kurdistan, it was rare that someone would volunteer knowledge of our possibly different approaches to sugar in tea. But by 2002 this had changed, and this arcane bit of knowledge was no longer distinctive and confined to returnees, but had entered the general knowledge corpus. Thereafter most hosts would announce to all present, "Diane will not have any sugar, because she is a Westerner and Westerners don't like sugar."

Such minute vernacular changes, layered on top of each other with the passage of migrants and time, constitute a diasporic imaginary in which people have an awareness of another way of doing things even though they may continue in their own way. Since out-migration and return on a large scale began so recently, Iraqi Kurds constitute more a diaspora-in-the-making than a full-fledged diaspora. As such, they differ from peoples for whom the state and practice of diaspora are more naturalised, such as the Hong Kong Chinese people whose trans-Pacific navigation of oceans both physical and cultural has led to a self-characterisation as "astronauts" (Ong 1999), or Lebanese, one-third of whom left Mount Lebanon around the turn of the twentieth century (Khater 2001) and who now flit back and forth between the "homeland" and such diverse locales as Buenos Aires, New York and Lagos. Rather, during the period of my research, the condition and practice of an Iraqi Kurdish diaspora seemed to have a new, awkward feel to it – like an outfit that did not quite fit yet, but that one anticipated growing into. Migrants

communicated this newness both in their new locations in the United States, as we discussed "home" and their own possible return visits, and in the "homeland".

In a reversal of Lavie and Swedenburg's (1996: 1) model of the West or "Eurocentre" as "Here" and the non-West as "Out There", people referred to Iraqi Kurdistan, and sometimes to broader Iraq, as the "inside" and the West as the "outside". The "outside" specifically encompassed Europe beyond Turkey and other places to which Kurdish migrants had travelled such as the United States and Australia. Turkey, Syria and Iran were merely borderlands, places of transit and often of great frustration, as many migrants got stuck there on their way to an intended Western destination. I heard only very infrequent mentions of the rest of the world, as it seemed to fall into an ambiguous, virtually irrelevant category.

Cultural hybridity is certainly not new to the Kurds; indeed all Kurds resident in the Kurdish homeland, except for the generation growing up in Iraqi Kurdistan since 1991, have lived as minorities in plural states (whether or not those states recognise themselves as encompassing ethnic plurality). Life in those states has engendered cultural and linguistic hybridity with the Turkish, Persian and Arab majorities. But the West constitutes a place of much greater cultural difference from Kurdish life than the dominant local "others" already influential in the Kurdish homeland. Non-migrant Kurdish people engaging in the new diaspora-in-the-making were thus acquiring a new cultural hybridity, a way of simultaneously being Iraqi Kurdish and acquiring a new cultural reference point in the West. In part, the vehicles for this were exposure, afforded by the much more open political environment after Kurdish leadership assumed control in 1991, to the West's commodities, media and people, who were mainly staff of international aid agencies sent to assist in relief and development.

I argue here, however, that return migrants from the West are the most important and influential bearers of culture and agents of the new Iraqi Kurdish diasporic consciousness; it is the initial acts of return that initiate an emerging diasporic social field or "transnational village" (Levitt 2001). Return migrant numbers have probably been smaller than those of the foreign (mainly American and British) soldiers on the street, whose numbers have been over 150,000 in Iraq as a whole since the latest war began in 2003 (although only a tiny fraction of those have been posted to Iraqi Kurdistan). But the foreign soldiers have little more than cursory interaction with most local people (with the exception of men serving in the Iraqi military, some of whom have had close working relationships with foreign military members and contractors). Kurdish returnees from the "outside" simultaneously represent a disarming familiarity and a conduit to the knowledge and value systems of the West. For the local people I spent time with, sustained, in-person representation by one's beloved kinsperson or friend seemed to carry with it far greater and more profound implications for diasporic imagining in the Kurdish diaspora's "inside" than foreign soldiers or other influences such as satellite television and the internet.

4. Narrating the diasporic imaginary

When Kurdish returnees from the West sat with the guests who had come to greet and listen to them, the narratives they selected about the "outside" formed a discernable corpus. Returnees repeatedly selected the themes of sexuality, technology, governance and individuality as social arenas worthy of comment. Many narrators of experience in the West seemed to walk a careful line, describing what for Kurds are malign and morally reprehensible features of Westernness, while simultaneously seeming at pains to reassure their hearers that they had not capitulated. Returnees strived to show that they still upheld the values of their natal culture, but that they had also acquired and encountered enviable new values, status and possessions. To their hearers, they were agents who selectively navigated and manipulated the desired, bounteous West.

Narrations of the "outside" were clearly animated by desire for the West and its products, many of its ideals, and contact with its people. Upon learning I was an American, people often blurted out statements of affection for the United States. Especially in the early years, I heard gushes of "I love America!" on a regular basis and from a wide swathe of people. People sometimes displayed shyness around me, indicating that they saw me as occupying a high-status social role. Some were more open with local people who were seen with me than they were with me. In 2005, for example, a local friend told me in an exasperated tone about an encounter with a stranger who had observed her with me, and who had continually interrupted her efforts to concentrate on her e-mail during a session in a local web café. "He loves Americans!" she told me. "He kept saying things like, 'I just want to be around them, to know them. They are the best!' I told him, 'They are human beings like us!', but he did not want to hear that!"

4.1 Sexuality and gender

In visiting sessions with kin and friends just after their arrival, returnees turned early to the topic of sexuality when narrating their time in the West. Most whom I heard comment on the subject, both male and female, emphasised to family members and friends that Western culture was sexually chaotic and unrestrained, especially in terms of women's sexual licence (as opposed to men's, on which I heard much less comment). This was not news to local people, since they had long believed so themselves. But it seemed that returnees felt a special burden to highlight this, both for its shock value and also to reassure those listening that he or she continued to agree with local conventions despite having spent time elsewhere.

One returnee, a man in his early thirties who had been in the United States for two years and had just returned for a two-week visit, talked about his new life before a rapt audience of family and friends (as well as this anthropologist) sitting in the garden of his mother's Zakho home. The mood was jovial; his audience was spellbound. Early on, the theme turned to tales of Western sexual permissiveness. "Anyone can have a relationship with anyone!" he exclaimed. "I met a woman with five children, and each of them had a different father!" The listeners expressed a

combination of dismay and shock. "And if that's not bad enough," he added, "she was proud of it!" The conversation continued for some time as people discussed this "animal" behaviour and then went on to decry the moral chaos of the West. (Eventually the group turned to me for comment. I said that I had never knowingly met a woman with five children fathered by five different men. But my attempt to temper the story a bit fell flat. The man's account was simply too intriguing to dismiss.)

But on another occasion, I was sitting with a returnee and a local man who had not been "out", discussing the differences between mainstream American and Kurdish culture. The non-migrant spoke candidly: "I heard that in America, a wife can prevent her husband from going out at night, and that if he has a [sexual] relationship with someone else, she will not hesitate to divorce him." The returnee agreed that he had indeed noted this in the West. "That's awful!" said the local man with a grin. "Here, life is better for men. The only thing a Kurdish man gains when he goes to the West is that there, his wife takes his name, whereas here she does not. Everything else is worse for men there, because women have so much power."

Return migrants brought with them new ideas about social roles, and I noticed these gradually circulating around the community. Most noticeably, there were subtle changes in gender conventions.

A debate about men and children, especially babies, could be heard in casual discussions among kin and friends. If a young father held and cuddled his baby, what effect did that have on his reputation? "Traditional" men rarely did this, or at least were rarely seen doing it. People said, in essence, that this would severely detract from a man's perceived masculinity. At the very worst, it would show that a man "feared his wife", that she could dominate him to such a degree that he would be induced to hold his baby. Being cowed by his wife was a state in which no man wanted to be found, especially by his male peers. But a few men had started to hold and otherwise show more attention to their infants and young children, and this was a topic of discussion in several households I visited. One young father and his wife explained to me with pride that because they were a "modern" family, he frequently held his baby son and did parenting-related tasks around the house. Indeed, on my visits to this home I noticed him doing just that. But in other households, I heard people speaking critically about this new trend, saying that these men's attention to their young did not come from the heart, but from a shallow, vain desire to imitate the trend-setting West. The men were caught in a dilemma: should they follow the new ways or the old? It was a trade-off. Many men, it seemed, were waiting for others to go first, before they would follow the "modern", "Western" path.

Women's dress and freedom of movement was another arena in which changes were taking place that could be linked directly to return migration. On a crossing of the Harbur / Ibrahim Khalil border between Turkey and Iraqi Kurdistan in 2005, during a long wait in the intense summer heat for my passport to be processed, I

people-watched. The crowd of perhaps a hundred people clearly had two constituencies: locals, mostly Turkish and Iraqi Kurds crossing for business purposes, and people with Kurdish and Western cultural hybridity who had travelled from Western countries. There were a number of children in the crowd, some of whom appeared to be travelling only with their siblings and mothers. A few years previously it would have been unthinkable for mothers with young children to travel alone to Kurdistan, and to wear pants while doing so, but there they were. I also noticed dramatic changes in dress. The returnees were dressed in the Western fashions of the moment, some of the older children exaggeratedly so, with, for example, flashy athletic shoes and baggy shorts. The hybrid members of this crowd, this concentrated display of returnee aesthetic influence, would soon be dispersing throughout Iraqi Kurdistan and unabashedly promoting a new way of seeing and being seen. Once finally past the border and among a cross-section of the population in the local market, I observed that a noticeably greater percentage of girls and women (although still far fewer than half) could be seen on the streets and in the marketplace wearing pants, as well as more revealing blouses, thick make-up and higher-heeled shoes. Many retained the headscarf despite making these changes.

4.2 Technology and material wealth

Satellite television, the presence of Western relief and development agencies in Iraqi Kurdistan, and other factors new since the withdrawal of central government power in 1991 had made people well aware that the West possessed an abundance of technological and material resources. Returnees corroborated. In the early years, before such items were well known and began to be common in Kurdistan as well, they spoke of microwave ovens and the ubiquity of computers. They told of supermarket shelves stocked with numerous varieties of the same product, although the much higher prices in the West also found frequent mention. Pomegranates were one item that I heard returnees exclaiming about on several occasions. In Kurdistan they are a favourite fruit, and when in season are integral to the after-dinner fruit-consuming ritual that is shared with important guests. A whole bag costs no more than a few dollars. But in the United States, migrants found the pomegranate to be not only much less common, but exorbitantly expensive, sometimes as much as US$2.00 for a single fruit! Local people who heard this price quoted repeatedly could still scarcely believe it. This led to general discussion about how one needed significantly greater amounts of money in the West to live a similar material lifestyle. Multiple times I heard people make a contrast such as: "In Kurdistan, one works and ten eat. In America, almost everyone must work to eat!" Returnees noted that in the West, people's lives centre around their work rather than social relationships with kin and friends. Most reported never having worked so hard in their lives, which left them little time for engaging in socialising. While recounting this feature of Western life most agreed that "life is better in Kurdistan".

In later years, I observed a marked increase in consumption in Iraqi Kurdistan, as increasing numbers of people entered the middle class.[7] But people still seemed to regard the ability to produce, rather than simply consume, as a signifier of a "superior" society. One returnee spoke disparagingly of Iraqi Kurdistan and the wider region: "Believe me, no one in the Middle East will ever build a car. We can only buy cars; we don't know how to make them." A family member of a returnee noted proudly that he was "working hard there" in America. But his mother, referring to his and his cousins' employment as factory labourers, retorted with, "What are they doing there? Building airplanes? No, they are not!" She further explained that she regarded their host society as technologically sophisticated, but their role in it contrastingly low-class and unsophisticated. Ironically, several members of the returnee's family were working for a Boeing subsidiary. They actually were building airplanes. But she was unimpressed with their roles as mere assembly-line workers.

My own returns to Iraqi Kurdistan have been occasions for noticing the many infrastructural changes taking place there. For example, in 1995 there was no municipally supplied electricity (although there had been prior to the 1991 Gulf War). By 1997 the electricity was back on, although it was (and remains) scarce, coming on usually for only a few hours per day. By 2001, there were public internet cafes in every city, and many urban households had a home computer. At the start of the war in 2003, many Kurdish families went to their mountain villages, where they felt safer than in the cities on or near the plains. A few families brought the internet with them as well, in the form of a satellite receiver, a benzene-powered generator and a computer. One photograph of such a set-up beside a tent made the rounds by e-mail. A construction boom has been under way since approximately 2004, prompted largely by the war taking place elsewhere in Iraq. The boom was preceded by, and in many ways was only possible due to, significant technological progress in the preceding years.

4.3 Governance and economics

I have argued elsewhere (King 2005) that Kurdish migrants to the West had expectations of patronage roles by Western governments. When discussing household economics in the West, people were quick to bring up the subject of taxes. Some local people had never heard of taxes, and found the very concept shocking when it was explained by a returnee. "Shouldn't the government give to people, not the other way around?" was the typical incredulous reply to the news. I listened to a woman in her fifties who had just returned from the West tell a roomful of listeners: "For every US$400 pay check that my son earns in his job, the government takes US$80." Everyone in the room gasped in disbelief and pity. In this instance and a number of similar ones, when this topic came up people turned to me for an explanation and a discussion would ensue as to how governments

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[7] At the same time, as a result of the US-led ouster of the Baath government and ensuing insurgency, many refuge-seekers from elsewhere in Iraq, most of them non-Kurds, fled the horrific violence there, only to struggle in poverty and vulnerability in Kurdistan.

acquire revenue. Taxes stood in sharp contrast to the deeply embedded local idea that tribute should flow from low-status persons to high-status. (This perhaps additionally explained the apparent lack of discomfort with receiving government assistance displayed by many Kurdish immigrants I knew in the West despite the stigma it held for many Westerners.) In my attempts to assist returnees in explaining Western democracies and their tax structures to their non-migrant family members and friends, I think I did little to change people's opinion that a government should be a provider and patron – a giver, never a taker.

On the other hand, returnees spoke of "human rights" in two ways. Some described Western governments as respectful of all human beings without regard to their racial or ethnic identity or religion. Many people who had not been to the West especially regarded Western countries as treating everyone equally, and spoke longingly of this as an ideal that should be universal. Some returnees further confirmed this impression with their own accounts. Others had a darker outlook, acknowledging that such an ideal existed, but arguing that the West fell short of it. Everyone, whether an idealiser or a more jaded observer of the West, seemed to agree that in Iraq, including in Iraqi Kurdistan, "human rights" failed to live up to their ideal.

Returnee influences gave rise to new thinking about governance, and in the past decade I have noticed a marked increase in complaints about corruption in and by the two main political parties, the Kurdistan Democratic Party (KDP) and Patriotic Union of Kurdistan (PUK). Complaints from returnees (without political roles) were contextualised within their experiences abroad. Many told of comparatively impartial dealings with government authorities in the West compared with those in Iraqi Kurdistan. But paradoxically, a disproportionate number of the political figures who were the brunt of the complaints were returnees. For example, many if not all of the years since its creation as a governing entity in the early 1990s, the KDP politburo has been comprised mainly of dual passport-holders. As one person put it in 1998, "Now our Kurdish leaders are very much like the internationals here who come and go. They have foreign passports. When things get difficult, they leave. Like always, we Kurds are controlled by people who come from the outside, but now they are not outsiders, they are us."[8]

4.4 Remittances

Much could be said about the economic role of remittances in Iraqi Kurdish life, a role that has steadily grown with time and as the fortunes of those in the West increase. Here, it seems appropriate to mention their symbolic role in building the diasporic imaginary, a role that included the creation, or at least nurture, of new material wants. Migrants did not need to physically return to transmit culture.

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[8] The issue of who comprises the governing class in Iraqi Kurdistan (not to mention in any governing entity) is a much larger topic than it is practical to address here. Political elites have always had access to colonial centres to a degree unattainable by the masses, and the current situation of political elites holding Western passports is in some ways simply its latest configuration.

Many promoted a more materialistic lifestyle than they had known at home through photographs, videos and gifts they sent home. When I returned to Iraqi Kurdistan in 1997 after a year of working among Iraqi Kurdish refugees and asylees in the United States, I couriered small packets of gifts and money for a total of twenty-four families. Distributing these in Zakho and Dohuk during the first days of that field stint provided a window into the start of a diasporic flow of remittances to the homeland. For many families, my trip was their first chance to send something home after having left the previous year. The typical packet went to parents and contained US$200, some pictures and a few souvenirs such as key chains. In many of the pictures, migrants posed in front of symbols of wealth such as boats and large buildings.

One family sent pictures of themselves sitting on expensive furniture in what was clearly an American furniture store. When I handed this and other items to their relative in Dohuk, he nodded approvingly. "This is their new house," he said, pointing to the picture taken in the furniture store. I knew that their home in the United States was a cramped apartment. "No," I said, "That is a store, not their house." It was possible to see price tags on the furniture if one looked closely at the picture, and I pointed this out as evidence. But the man insisted. "No, this is not a store. I know this is their house." I was up against a fantasy that was too powerful to break in one small encounter. But this fantasy had a real parallel in the homeland. During the late 1990s I observed one household after another making significant upgrades to their furniture. Although floor cushions remain popular for informal visiting, many households now usher their guests into a more formal room with elaborate furniture that they could have only dreamed of owning back in the early 1990s.

5. Conclusion

The returns to Iraqi Kurdistan and the encounters with local people that they engendered took place in a homeland in which people had very little exposure to things Western prior to 1991. These were *not* encounters between fully cosmopolitanised, hybridised people for whom border- and culture-crossing was an ingrained way of life, but between people just beginning to explore a new hybridity constructed in the cultural space created by blending "inside" and "outside". Visits with returnees from the "outside" instilled those remaining "inside" with a new consciousness formulated vis-à-vis the West and a backdrop against which to see themselves. Returnee narratives enabled non-migrants to rank order various aspects of life in Kurdistan, to consider what kind of lifestyle they wanted and valued, and to ask new questions of themselves that they had never before asked. At least in the early decades of the diaspora-making process, return migrants and the narratives they tell are a potent vehicle of hybridisation. Returnees are "insiders" who have sojourned to the "outside" and reported back as only insiders can. In many a Kurdish household that hosted a returnee, the guest room was lively and populated, while the television sat unnoticed as the returnee told spellbinding tales about

"outside" life. These tales enable and encourage a rich and textured diasporic imaginary even in people who have never left "home".

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Acknowledgements

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Social and Economic Support
among Migrants and Families Left Behind
in Transnational Contexts

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In this paper we attempt to understand the transformation of the relationships between Japanese-Brazilian migrants, returnees and families left behind in Brazil, by considering these changes from a transnational perspective. The following main issues are developed: first, the function of the families left behind and their role in creating favourable conditions for the readaptation of returnee migrants; second, the role of local communities and institutions in promoting returnee migrants' readaptation to their homeland. The dynamics of migration involve families as a whole and replacement among the members who feed the migratory stream over time. This extensive migratory movement has created social imbalances and a vacuum in both sending and receiving countries. Old home-country institutions, national government and international financial organisations become interconnected as a consequence of the dislocation driven by migrants attracted by the peripheral labour market in the receiving country. We argue that the effect of this institutional framework needs to be examined by an analysis of the real forces and motivations that drive individuals to transnational migration between two very distant countries, giving an evolving character to the migrants and the population left behind.

M igratory movements tend to be based on specific pre-existing socio-economic structures and the historical past of the countries involved, and are usually triggered by new events or enforced by active migratory policies. Once a migration movement starts, the combination of pre-existing social structures and new networks perpetuates the link between both the sending and the receiving society. One example of this is the movement of Japanese-Brazilians to Japan. Historically, this movement has been supported by the existence of a large Japanese contingent who began migrating to Brazil from 1908 to the mid-1970s.This group constitutes the most populous Japanese community abroad and

includes second and subsequent generations estimated at more than 1 million people. Some eighty years after this first migration to Brazil, Japanese-Brazilians began their "return" to Japan, becoming the third-largest foreign community in the country. At present, 312,979 Japanese-Brazilians and their families are living in Japan (Japan Immigration Association 2007).

The migration of Brazilians to Japan increased rapidly in the 1990s when the Japanese Government put the revision of the Immigration Control and Refugee Recognition Act into effect, which permitted second and third generations of Japanese descendants to live and work in Japan. Since then, the number of Japanese Latin Americans, particularly Brazilians and Peruvians, has grown dramatically, supplying the peripheral labour market in the manufacturing sector, particularly in the automobile, electronic and food-processing industries. Some authors regard the revision of the law to be the result of structural labour shortages and pressure emanating from organised economic associations. The introduction of the Japanese descendants (*nikkeijin*) and trainees (*ginno jisshu sei*) was a response to these pressures. At the same time, the Japanese Government maintained its restrictive discourse concerning the introduction of unskilled foreign workers (Mori 1994). Kajita emphasises the decisive role of the link between the debates within the Ministry of Justice on the residence status of third-generation Koreans who were born in Japan and the legal status of Japanese descendants abroad regarding the enforcement of their visas (Kajita et al. 2005). These legal measures, combined with the absence of a clear migratory policy, gave rise to migratory systems between Brazil and Japan in which labour brokers and subcontractor networks have played a central role (Tanno 1999; Higuchi and Tanno 2003; Urano 2004; Kajita et al. 2005).

Despite its temporary character in the early stages, the formation of huge ethnic communities in the host country has resulted in a consistent flow of persons, goods and financial resources between Brazil and Japan. Ethnic businesses, international phone services, ethnic newspapers and bank services have been established in both countries, thus boosting the movement of the migrants in transnational spaces. As observed by Faist (2000: 13), "once the number of network connections reaches a certain level, international movements become self-perpetuating because they create the social structure necessary to sustain them".

In this paper we attempt to understand the transformation of the relationships between Japanese-Brazilian migrants, returnees and families who were left behind in Brazil, by considering those changes from a transnational perspective. These perspectives also bring new challenges for researchers: "This localization of the global, or of the non-national, in national territories, undermines the key duality running through many of the methods and conceptual frameworks prevalent in the social sciences – that the national and the non-national are two mutually exclusive conditions" (Sassen 2001: 187).

The formation of the left-behind population is analysed as a dynamic process in which, on the one hand, some returnees will remain in the home country in the late migration stages, but the younger members of the left-behind population in the early stages of this process, on the other hand, constitute the new migratory waves. The family members who are left behind are replaced according to factors such as the life cycle, the level of stress caused by migration, job opportunities subordinated to the peripheral labour market, and the maintenance of an economic base in the homeland.

We develop the following main issues: first, the function of the families left behind and their role in creating favourable conditions for the readaptation of returnee migrants; second, the role of local communities and institutions in promoting returnee migrants' readaptation to their homeland. The dynamics of migration involve families as a whole and replacement among the members who feed the migratory stream over time. This extensive migratory movement has created social imbalances and a vacuum in both sending and receiving countries. Old home-country institutions, national government institutions and international financial organisations become interconnected as a consequence of the dislocation driven by migrants attracted by the peripheral labour market in the receiving country. We argue that the effect of this institutional framework needs to be examined by an analysis of the real forces and motivations that drive individuals to transnational migration between two very distant countries, giving an evolving character to the migrants and the population left behind.

1. Puzzling strategies in transnational social spaces

The need to develop a better understanding of the current formation of transnational social spaces in different countries around the world is undeniable. The ability to link empirical evidence makes it possible to develop an in-depth comprehension of migrant behaviour that would otherwise be incomprehensible and is an exciting step forward. As pointed out by Levitt (2003: 179), "Both the migrant and non-migrant who live within transnational social fields are exposed to a set of social expectations, cultural values and patterns of human interaction shaped by at least two, if not more, social economic and political systems. They have access to social and institutional resources that imbue them with the potential to remain active in two worlds". This also means that the set of social expectations and cultural values may reflect the institutional framework of those countries or local communities and is subject to change with the advent of the migratory process. In virtue of the changing nature of these processes, generalisations need to be made with caution. For example, some authors have contested the validity of transnational social spaces. According to Dahinden, cultural, socio-economic or political constraints can be a barrier to possibilities for action, thus affecting the social impact of transnational ties. She feels that transnational social spaces "… must be refined and used in a more nuanced manner that allows for the careful analysis of the precise content and function of transnational ties and associated social fields" (Dahinden 2005: 204).

In this paper we use another concept that has been a useful tool in understanding migrant behaviour: household strategy. Also, in this case, we attempt to keep in mind its relative validity, giving priority to what emerges from the data collected. For example, are household strategies really strategies as such, or just a result of retrospective rationalisation operated by researchers? To what extent is intentionality central to evaluating and validating strategies? If we assume migration to be a process that changes over time, it is natural that migrants' plans change over time, and sometimes it is difficult to identify and understand their behaviour systematically. However, it is also true that a set of coordinated behaviours can provide advantages and/or disadvantages in areas of life such as finding employment and opening a business. In the event of the unexpected, migrants tend to adjust their behaviour to a new set of social conditions. This implies that migrants begin to develop a different mindset. As such, it is reasonable to assume that household strategy needs to be considered as an evolving face of migrant behaviour: it is the product of a combination of planned action, the advent of unexpected events, environmental change, the development of new perceptions on people's lives, and tactics that are necessarily adjusted to changes in their social context in both receiving and sending countries.

Also to conceptualise life strategy, which is more individual and, in some senses, limited in range, is not an easy task. In his critical review, Crow (1989) points out that the term "strategy" is not uniformly used due to the fact that some researchers adopt it as a practical term. In general, "strategy" applies to a set of actions that are in some sense rational and take place in predictable social situations. In this way, the use of the term "strategy" implies conscious, rational decisions involving a long-term perspective. There has been an important debate about the concept of "strategy", revolving around the relationship between the term itself and agency, or the relationship between strategy and rationality. Our intention is not to discuss the theory of household strategy, but use it as a tool to explain the manner in which families have responded to the changes in their social environment and to test how useful it is in the attempt to identify patterns assumed by migrant families to achieve their goals. For example, sometimes, to attain certain goals, the migrant family strategically chooses which member(s) of the family are the right one(s) to migrate. In her research on Haitian migrant women, Buchanan (1979) describes how families tend to select their members who seem to have the best chance of obtaining the proper visa to work in New York. Few Haitian families have the money to leave their country altogether. Consequently, they choose one of the family members and assist him or her to raise the funds. Generally those selected are women because they are able to obtain work visas more easily than men.

It goes without saying that the reason for our focus on households is not to give priority to the atomised units approach. On the contrary, we feel that our focus is justified because it gives us the chance to observe the intersection between individuals and broader spheres. As observed by Boyd (1989) households are stances which do the mediation between individuals and the larger structural setting, components in the relationship between structured conditions and

migration. "Migration of individual members or the entire household unit represents a strategy at the household level to achieve a fit between resources such as land and the alternatives for generating monetary and non-monetary income. Migration can be an important strategy for generating income in the form of remittances" (Boyd 1989: 645). Household strategies are useful to envisage a broader framework, and are not limited to the individual level. As Tacoli observed, all these household strategy perspectives are useful tools to explore the migratory process as a complex combination of political, economic and complex decision-making processes. "Migration is thus a socially embedded process where the domestic unit acts as an important mediator between individuals and the labour market" (Tacoli 1999: 662).

In making use of household strategies as a category of analysis, it is important to think about the exogenous factors that impose restrictions or promote migration, such as immigration policies and labour market conditions. But it is also true that migrants try to plan migratory processes to overcome these limitations. Households take into account immigration policies and labour market restrictions on entry, then build up complex migration and labour market strategies. For example, when women have a better chance of finding employment in given occupational niches, they go first, becoming frontrunners. Migrating in a second stage, their partners can benefit from women's career entry experience to achieve their own career progression (Raghuram 2004: 315)

In our analysis, the challenge is to find an equilibrium between the various factors we have taken into consideration: the role of individuals, adopting as a premise the social nature of their decisions; and the role of household strategies, keeping in mind a plurality of possibilities. This plurality of possibilities can be summed up as follows: first, household strategies and migratory processes can be seen as affirmative, intentional and planned sets of action with concrete achievements, as described by Willis and Yeoh (2000), for which any given family member organises their economic, physical and social maintenance. The decisions taken for families are made based on knowledge of the opportunities available to them and are made to respond to broader social and economic changes. Second, household strategies must be seen as a gradual process with nuanced characteristics. Sometimes it is difficult to identify migratory processes as the result of clear strategies, but they are also a consequence of changing sets of conditions and actions in which individuals and families reinvent their behaviour and courses of action according to changes in the life environment and "reset" their minds. Third, institutional conditions that influence migratory processes can restrict the possibilities of migration and professional progression, but often migrants can overcome those difficulties through complex household strategies.

Considering the case of Brazilian families, at the beginning of their migration, the family men (either married or single) migrated by themselves and, after a short period, many brought their families to Japan to join them (Watanabe and Ishii 1995). One can suppose that these families considered it better to migrate together

in order to minimise risk to the family unit. However, to describe how migrant families make the decision regarding who migrates, we need to consider factors such as the family life cycle, the purpose of migration, the minimisation of stress caused by the migration process itself, job opportunities, the possibility of obtaining visas, etc. Although a great number of Brazilian families have migrated together or have brought their families to Japan to join them, others have chosen to leave members, such as younger children, in the home country. The combination of factors described above contributes to the migration decision in a complex manner, sometimes involving multiple social ties maintained beyond the frontiers of one country.

2.   Study locations

In 1908, Japanese workers and their families migrated to São Paulo (Brazil) in response to the shortage of labour on coffee plantations. After some years of living on the plantations, many of these migrants bought plots of land in the new agricultural frontiers, which included the region in the north of Paraná state (Nihon Imin Hachijunenshi Hensan Iinkai 1996). By the end of the 1920s, the Japanese Government's colonisation agency (Brazilian Colonization Association), with funds from the Japanese Government and emigration companies founded with private Japanese capital, mediated the process of acquisition of the lands to encourage migrant settlement in Brazil. Land was purchased in Assaí, Uraí and Londrina, which are located in north Paraná (Handa 1980; de Carvalho 2003). In these ethnic Japanese communities, a mutual support system was organised in the form of several types of Japanese ethnic associations (*nihonjinkai*). Nowadays, although the importance of the associations has been weakened, their function as a socialisation space has been maintained.

Our interviews were conducted in this region. We chose the towns of Guaíra, Maringá, Londrina, Cia Norte and Campo Mourão, all with significant Japanese descendant populations. Since the movement of Japanese-Brazilians back to Japan started, this same region has experienced the formation of remarkable migratory streams.

3.   Data collected

This research is based on fourteen case studies (see Table 1), including migrant worker returnees, family members who never had migratory experience and interviews conducted with leaders of ethnic associations, an ethnic newspaper journalist, a psychologist, a governmental organisation consultant and local politicians. Data was collected over two periods; from July to August 2000 and from May to June 2004. Although at first we did not plan to conduct follow-up interviews, we had the opportunity to meet these families on two occasions and follow their social and geographical mobility during the four years since the first

interviews. All the interviews were conducted in Brazil, either in respondents' homes or at their work places.

Table 1: Information on the families studied before the migration process

Name, marital status	Householder's occupation	Family structure
1. Akio Tsuji, married	Farmer	Akio and his wife
2. Paulo Kumano, married	Auto mechanic employee	Paulo, his wife and one son
3. Misako Ueda, married	Auto mechanic employee (husband) and food shopkeeper (wife)	Misako, her husband, two sons and one daughter
4. Masao Yasuda, married	Auto mechanic employee	Masao, his wife and daughter
5. Sergio Matsuda, married	Bicycle shopkeeper	Sergio, his wife and two daughters
6. Mario Ishiyama, single, watch store employee	Farmer	Parents, Mario, one brother
7. Yoshio Abe, married	Auto mechanic owner	Yoshio, his wife and three sons
8. Marina Katayama, single, unemployed	Farmers (Katayama family)	Parents, Marina, Emerson, Rivaldo and youngest brother
9. Emerson Katayama, single, high-school student		
10. Rivaldo Katayama, single, university student		
11. Antonio Morita, single high-school student	Shopkeeper	Parents, Antonio, sister and younger brother
12. Celso Tanaka, single, high-school student	Watch store owner	Parents, Celso, four sisters and one brother
13. Milton Nihei, single, supermarket employee	Farmer	Parents, Milton, a twin sister, younger brother and sister
14. Daniel Sato, single, elementary student	Auto mechanic employee	Parents, Daniel, elder brother and younger brother

4. Who migrates and who stays

In describing the process by which migrant families make the decision as to who migrates, we need to consider such factors as the resource levels of families, their life cycles, the purpose of migration, the age and sex structure of the families, job opportunities and the possibility of obtaining visas. Although a great number of Brazilian families have migrated together or called on their remaining family members to join them later, others have chosen to leave members such as younger children in the home country. The combination of factors described above makes the migration decision a complex one, sometimes involving multiple social ties maintained beyond the frontiers of one country.

An analysis of the relationship between the aims of migration, the family life cycle and who in the family is the first to migrate makes it possible to ascertain how the decision-making takes place. For our purposes, we classified the family life cycle into four periods: the first is when the couple does not have a child, the second is when the family is composed of the parents and child or children between birth and 14 years old (school-age children), the third category is a family with parents and single adult sons or daughters of working age, and the last comprises families with single adult sons or daughters who have become financially independent.

Based on these classifications, we found some patterns in the families' geographic mobility (see Table 2). For instance, when the family does not have a child, the couple tends to migrate together. The Tsuji family is an example. They went to Japan planning to save money to expand the family's agricultural business. Some years later the couple returned to Brazil and began cultivating the land again. With the aim of saving money for investing in agricultural equipment, the husband migrated again, but as his wife had fallen ill while in Brazil, he went alone.

Table 2: Family members who first moved to Japan

Families	1990	1991	1992	1997
1. Tsuji		Couple		
2. Kumano		Father		
3. Ueda	Elder son			
4. Yasuda			Father	
5. Matsuda				Parents
6. Ishiyama		Two sons		
7. Abe	Father			
8. Katayama		Eldest son		
9. Morita	Elder son			
10. Tanaka	Sisters			
11. Nihei	Father and daughter			
12. Sato	Father			

In cases in which the family migrants have school-age children, we found two patterns: in one, the father migrates alone in the first phase of migration, and in the other, the parents leave their children behind. In the former case, which includes the Kumano, Yasuda, Abe and Sato families, the fathers tend to leave their families in order to save money to invest in the family business in Brazil. For those families, a short-term migration project makes it possible to accomplish their goals. Although they attain their goals, the migratory movement does not finish. Typically, new objectives appear and migration is restructured, with a new chain of migration beginning to evolve with other family members. In the three cases, the

second phase of family migration becomes possible when the eldest son and daughter are old enough to work abroad. An example is the Matsuda family, with both parents migrating together despite having two school-age daughters. They preferred to leave their daughters with relatives and provide for their education in Brazil. Four years later, the husband returned to Brazil with the goal of starting a restaurant while his wife remained in Japan.

Although the families plan to reside in the receiving country for quite a long period, their plans are based on the assumption of returning to their homeland. Consequently, they live in Japan as if they were "temporary citizens". We can compare these families with the Japanese families who migrated to Brazil at the beginning of the twentieth century. In his research on them, Maeyama (1996) points out that in the first period of the migration those Japanese families saw themselves as "visitors" who would leave the host country as soon as possible. However, most of them never returned home.

The next group, families with a child of working age, includes the Ueda, Katayama and Nihei families. In these cases the father, mother and children of working age migrate together. In one case, the son moved alone, but migration is a familial enterprise. After the families attain their goals, the single adult son/daughter begins a new migration movement, the purpose of which is a new development set apart from the original goals of the family.

In the case of families with independent, single adult children, such as the Ishiyama, Morita and Tanaka families, things are a little different from the above-mentioned cases. They plan their migration to Japan as a way to gain valuable experience abroad, or save a sum of money to purchase a house or invest in a new business or individual project. In the cases in which the single daughters move abroad, they tend to be supported by their families. For example, the father of the Tanaka family stated that before approving his two daughters' travel plans to Japan, he talked to the Japanese company hiring them to ensure that it assumed responsibility for their security. The person responsible for recruiting guaranteed the two daughters' safety for as long as they remained employed with the company. After migration, both daughters married Japanese co-workers and settled down in Japan. Therefore, it seems more likely that single sons/daughters migration to Japan is more an attempt to have them acquire financial independence than to provide for their families.

5. Family members left behind help with the readaptation of returnees from Japan

Embroiled in transnational dynamics, an ambiguous process of settlement is under way, with the formation of a second generation of migrants, as shown in the preceding section. This is also clearly indicated, for example, by the growing number of Japanese-Brazilians who obtain permanent visas in relation to the growth in the number of re-entry visas issued. Sometimes, the returnees obtain a re-entry visa without any plans for going back to Japan. However, when confronted

with their weak social ties and links with the labour market in the homeland, they feel "impelled" to go back to Japan. The loss of social relations occasioned by migration has been pointed out by a recent study on this population (SEBRAE 2004), and this factor no doubt plays a role. These cases reveal how different pressures with the global economy as backdrop are mirrored in the individual stance. Employment on the periphery of the labour market, as migrants tend to be subjected to unstable jobs, has consequences both for the disintegration of families in the host country and the people who are left behind.

Our analysis verified that family members do play a key role as social buffers for the readaptation of the returnee migrant. The following cases illustrate this well.

Case study 1: Paulo Kumano, a former migrant interviewed in Campo Mourão, worked in his father's garage before going to Japan. His father did not go to Japan but chose to continue with his business. Married with one child, Paulo decided to migrate alone with the goal of obtaining capital to buy a house in order to start his own garage. Paulo went to Japan in 1991 and stayed for one year and four months, working in the construction of sewer pipes and in an electronics factory. His wife, who stayed in Brazil, invested the money sent by him in buying a phone line, a house and a car. When he returned to Brazil, he invested in his father's garage and bought his uncle's share of the family business; the uncle subsequently went to Japan. Paulo said he probably could earn more returning to Japan than by managing his business. However, he remained with his family and once again became active in the social and economic activities in his local community.

This case study shows that family members who stay behind have a function of reference, acting as anchors for the readaptation of returnees and providing a base for reinsertion into the local community.

In other cases, the head of household pioneered the migration in order to save money and support the migration of other family members. A long-term connection between the two countries is established through family links and strategies. The replacement of family members in the migratory process shows the intergenerational dynamic that determines who stays in the homeland and who will be the next to migrate. The next case is an example of kinship groups that create long-term commitments and transnational ties among family members. Reciprocity and solidarity among family ties were enforced and the fact that some members remain in Japan as factory workers has made possible investment in new businesses in Brazil.

Case study 2: The head of the Nihei family, who is Milton's father, and his eldest daughter migrated to Japan in 1990 with the objective of saving money in a short time to buy a house and/or to start a business in their Brazilian home town, Maringá. Although the original purposes of purchasing a car, a house and improving living standards were attained, the migratory movement did not finish. New goals were established and migration was restructured. A new chain migration

started involving other family members. The next to migrate was the Niheis' youngest daughter, in 1993, and after the father's return, his two sons went to Japan in 1994. In the early period when the Niheis' sons went to Japan, the youngest daughter who was living there assisted them financially. Today, the brothers continue their jobs as factory workers in an auto parts factory. The sister, now married, and her husband started a print shop in the small town of Guaíra, Paraná. The Nihei brothers supported her in purchasing printing machines, etc. In future, the brothers expect that, with the anticipated expansion of the print shop, they will be able to work there too.

Sometimes recurrent patterns of separation of family members happen in order to make the migration and the achievement of economic goals possible, as shown by the next case.

Case study 3: In 2000, we interviewed Misako Ueda for the first time. Misako, former food shopkeeper, and her husband, former auto mechanic employee, were running a snack bar, opened with capital saved through their jobs in Japan. From 1992 to 1995, she went to Japan twice and worked in a glass factory, a hospital and as a domestic helper. They have three children, and at that time, a 14-year-old son and an 11-year-old daughter were living in Brazil. Their elder son was the pioneer of the family: he went to Japan in 1990 and is still living there. In 1995, the younger son went. In the second interview, in 2004, Misako's daughter had married. The daughter had gone to Japan in 2004, leaving her child of pre-school age with Misako. The daughter and her husband are planning to start a garage with the money saved in Japan. Not one of the children had graduated from high school.

This third case study reveals that a second and perhaps third generation of transnational factory workers is in the process of being formed.

6.   Second generation: child returnees and those left behind

Research concerning Brazilian children back from Japan has focused on the psychological stress they experience. As described in magazine and newspaper articles, the returnee children forget both their experience in Japan and the Japanese language like someone who has amnesia. The adaptation process to the new environment is not easy for them. Some of them left Brazil when they were babies, others were born in Japan. Besides the difficulty of adjusting to Japanese society, when they go back to Brazil the children experience further difficulties adapting to Brazilian society. Many of them have little or no Portuguese language skills (Vitória 1997; Takata 2002). Therefore, to deal with these linguistic and adaptation problems, some measures have being taken by Brazilian private schools, ethnic schools and groups of volunteer psychologists, members of the Projeto Sociedade das Crianças (Children's Society Project).

Children who were left in the home country by their fathers, mothers, or both, indicate other influences of migration on family life. As Nakagawa describes in her

study, some Brazilian children express their feeling of abandonment through disruptive behaviour, rebelling against their parents, a marked decline in academic achievement and sometimes through being reserved or withdrawn. The children suffer from problems caused by parental absence and have difficulties dealing with these (Nakagawa 2001). Migrant parents sometimes do not realise how important they are to their children and that their absence may result in serious damage to the children's psychosocial development.

Children's education is a sensitive issue because an effective educational process presupposes continuity over time and the support of the familial environment and the cultural context of each country. The occurrence of migration has enormous consequences on all these factors, each of which is fundamental to education. With the aim of preserving educational continuity, some children stay in the home country with one of their parents or relatives. However, when the familial environment changes with migration, it could have irreparable consequences for the children.

Case study 4: Daniel Sato is an example of a child who was left behind by his father, who migrated to Japan when Daniel was 11 years old and had been living there for seven years. During this period, his father returned to Brazil on two occasions. When his father left home, Daniel missed him very much. However, with time he has grown accustomed to his father's absence. Daniel said, "I don't know why, but soon after my father left us, I had little incentive to study and my school performance dropped. But now, I want to conclude my high school degree and take the entrance exam to medical college." When he was 16, his father thought of bringing the family to Japan but Daniel refused to accompany him. "I have heard from my friends that in Japan the public places are clean, everyone works hard and the jobs for foreigners are very tough. I would like to visit Japan, but only visit. My friends who have returned from there have changed. I think their behaviour has changed. They became more reserved … ." In August 2000, Daniel's elder brother, who failed his university entrance examination, went to Japan to work. "My brother wants to save money," Daniel said. "I don't want to work there. If I become a doctor, I can support my family and they don't have to work there." In an interview with Daniel's family friend, she said that after his father left the family, the sons had had some problems in school. Some members of the ethnic association's youth club counselled them about their changed attitude to their studies. She believes that support from friends played an important role, encouraging Daniel to think more seriously about his future.

The consequences of migration for the children left behind present a difficult issue for the parents. Yoshio Abe, living in Londrina, Paraná, feels proud of his eldest son who is studying in the graduate school at Tokyo University. However, Yoshio has a serious problem with the youngest son. He was 8 years old when Yoshio went to Japan, in 1990. According to him, the son gradually lost interest in studying and finally dropped out of secondary school in his second year. Yoshio expressed a huge sense of guilt about what had happened to his son. After

evaluating the economic gains that migration gave him against the negative aspects, he observed, reluctantly, "I don't know whether to say it was good or bad. I just don't know".

7. Japanese-Brazilian migration to Japan and the dilemma of ethnic associations in Brazil

According to the Inter-American Development Bank, in 2002, US$4.6 billion were sent home by Brazilians living abroad. Of this total amount, US$2.5 billion a year was sent by Brazilians in Japan through three major Brazilian banks with branch offices in Japan. These remittances are the highest amounts per worker sent to Latin America and the Caribbean from any country (IDB 2004; 2003). If on the one hand the economic effects of migration on the local community have been remarkable, firing up the real estate market and boosting consumption in general, on the other hand the functions of the local community have declined as they have lost their members to migration (Nihon Imin Hachijunenshi Hensan Iinkai 1996).

The ethnic associations of the Japanese community, *nihonjinkai* (Japanese Associations), are not effective actors in the migratory process. Historically contextualised in the efforts of the Japanese to settle in Brazil and with activities directed at the preservation of their cultural backgrounds through sports and seasonal festivals, Japanese schools, traditional dance and music, the migratory phenomenon back to Japan was, at first, considered a dishonour not only by these institutions but also by members of the ethnic community (Mori 1995). There were, somehow, inherent ethical and ideological conflicts involved. It should be noted that the migratory stream to Japan has contributed to the erosion of the base of these associations. Schools are losing Japanese language teachers and students, and festivals are losing their participants.

Nihonjinkai did not have the institutional framework to face the pressures and changes imposed by the new social dynamics. Japanese-Brazilian migration aggravated the sense of there being anachronisms involving the old institutions of the local ethnic community, which had already become apparent due to transformations in the social life of the Japanese-Brazilians over time.

The leader of the West Paraná Japanese Associations League has observed that while there were 400 participants in the league's table tennis championship a few years earlier, only 45 people took part in 2004. Five years ago, there were around 3,000 families associated with the West League, which includes ten towns in the region such as Guaíra, Umuarama and Assis. In 2004, this had dwindled to just 1,300 families. According to him, former associates who return to their home towns after being in Japan do not re-establish their links with the associations. In fact, he claims that they have very weak links with friends and the local community and return obsessed by money. If they face financial and familial difficulties, they return to Japan. This movement seems to be contributing to internal migration as well, with many of the returnees moving from rural towns to regional core cities

such as Maringá and Londrina. He is concerned that, in ten years, these associations will not able to survive.

Considering the strong influence of returnees on the economic conditions of their families, in addition to the irrefutable reality that considerable contingents of the local community are moving to Japan, traditional associations are trying to adapt in such a way as to incorporate the migration problem, and new organisations have sprung up in direct response to it. As indicated above, these associations have not played an active role in the migratory process. This function has been carried out by travel agencies and promoters of the ethnic community which form the brokerage structure for the subcontractors and factories of Japan. However, the Cultural and Sport Association of Maringá (ACEMA), one of the most important Japanese associations of Paraná state, is trying to mobilise itself to deal with the decrease in membership. ACEMA created a department to support Japanese-Brazilian migrants in partnership with the Brazilian government service for the support of micro and small enterprises (SEBRAE). ACEMA, in the past, had 2,500 families affiliated to it; today the number has dropped to just 800.

SEBRAE too is developing a project to improve the entrepreneurship of the Japanese-Brazilian migrants in partnership with another association, the Brazilian Association of *Dekasegis* (ABD), located in the capital of Paraná state, Curitiba. The interesting point is that the ABD is a new type of association specifically created in 1997 with the purpose of giving support to migrants and returnees such as the provision of orientation courses dealing with daily life in Japan or consultation services for investments in Brazil.

The first step of the joint SEBRAE-ABD initiative was the development of a survey to be carried out in both countries to establish a portrait of Japanese-Brazilian migrants. In a partnership that includes the Inter-American Development Bank, the objective is to develop the technical formation of the returnee migrant as an entrepreneur and offer the opportunity of financial partnership. The SEBRAE consultant interviewed in Maringá is also director of the department with the task of supporting Japanese-Brazilian returnees at ACEMA. The intention is to create theme-based discussion groups on topics such as franchising, craftwork and children's education as a way to mobilise migrants and their families. According to the SEBRAE consultant, there is a strong need to take the social environment of the Japanese-Brazilian returnees into consideration if the business or investment is to be successful. He pointed out that weakened families tend to have problems developing new businesses. There is a vacuum in participation by generation strata, mainly on the part of young people, and the associations consider this to be a serious problem.

8. Conclusion

This paper is an ambitious attempt to elaborate on a comprehensive framework by linking the puzzling parts of the migratory process in the expectation that it will

provide some new elements for further discussion on the migration of Brazilians to Japan. The family members who are left behind are replaced according to factors such as life cycle, stress caused by the migration, job opportunities and the maintenance of an economic basis in the homeland. The dynamics of migration involve families as a whole and replacement practices among the members who feed migratory streams over time.

The main problem addressed here is how institutions and families can deal with the changes imposed by the forces of globalisation in order to preserve their role and maintain cohesion in society. The circular movement of migrants in transnational contexts seems to have, on the one hand, a detrimental effect on the disintegration of the social institutions of the local ethnic community. On the other, it also seems to have a positive influence in bringing new social dynamism to them. Sometimes, existing ideologies inside ethnic associations are in conflict with the new cultural, social and economic waves created by the migratory streams. Frequently, these associations are unprepared to face the changes that migration generates. However, the strong influence of the transnational movements at local community level calls for changes in the existing institutions.

The migratory system has been constructed through a combination of historical background, economic dynamics on a global scale, legal measures in the host country, the structure of the brokerage system and interconnections among families. This drastic movement has brought about social imbalances and vacuums in both countries. Old ethnic institutions, other new ones, national government institutions and international financial organisations are likely to become interconnected as a consequence of the dislocation resulting from migrants moving to the attractive peripheral labour market of Japan. The efficacy of these institutional combinations will be determined by a deeper understanding of the real forces and motivations that impel these people to a pendulum-like movement between two very distant countries, imbuing the population left behind with mutant characteristics.

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OPEN FORUM

Similar Procedures, Divergent Function: Citizenship Tests in the United States, Canada, Netherlands and United Kingdom

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Countries with entirely different policies and traditions of integration and naturalisation have introduced citizenship tests as a core element of their naturalisation procedures. Contrary to prevailing findings these developments do not necessarily indicate a growing resemblance between country-specific understandings of integration and citizenship. Comparative analysis of the naturalisation procedures in the United States, Canada, the Netherlands and the United Kingdom illustrates that similar citizenship tests can serve entirely different purposes. They can strive to ensure the new citizens' loyalty to the country or to promote their integration, but can also make citizenship less accessible. Citizenship tests per se constitute an abstract political tool whose functions can only be understood within a specific political framework. Although their immediate impact seems generally overrated in the political discourse, they can play a forceful indirect role in the integration process – as an encouraging invitation or a deterring hurdle.

A s citizenship laws are deeply rooted in the national history and tradition of state-building, they tend to be a fairly stable policy field. Contrary to this general continuity of citizenship policies, the past few years have seen a profound and remarkably rapid change of naturalisation provisions in immigration countries all over the world (Bauböck 2006). One feature that many of these national amendments have in common is the introduction of citizenship tests as an additional requirement in the naturalisation procedure. Whereas such tests have been in place in some classical immigration countries such as the United States and Canada for many years, governments in other countries have only recently passed legislation to install similar test procedures, such as in the Netherlands, Denmark, the United Kingdom, Germany and Australia. These legal changes appear striking not only due to the suddenness of their emergence – they also raise the question of

why countries with divergent national traditions and policies in the domain of integration and naturalisation opt for the introduction of this political tool. The previous issue of the *IJMS* provided in-depth analyses of these developments from different thematic perspectives in several European countries. This paper pursues the insights gained through these examinations and presents another – more comparative – approach to the issues of citizenship tests.

The general tendency towards citizenship tests allows two essentially opposing interpretations. First, the introduction of similar testing schemes indicates a growing resemblance in the national concepts of integration and naturalisation. Second, these new tests only *appear* to be a similar political means; closer examination reveals fundamental differences in the functions they fulfil in specific national contexts. Thus the application of similar testing schemes does *not* automatically imply a similar political understanding of citizenship and integration.

Applying a cross-national approach, this paper argues in favour of the second explanation – and goes one step further: citizenship tests per se constitute an abstract political instrument whose functions can only be understood within a specific political framework, "embedded within a larger institutional and policy environment" (Bloemraad 2006: 675). Consequently, to grasp their actual functions, one must primarily analyse the nation-specific citizenship and integration policies, the current political and public debate on integration in which the amended naturalisation procedures are embedded and the procedural details of such testing schemes. The paper elaborates on the naturalisation procedures in the United States, Canada, the Netherlands and the United Kingdom in order to illustrate that the explicit purpose, the implicit functions and the (unintended or intended) consequences of citizenship tests depend greatly on the national context. Additionally, it shows that citizenship tests are hardly suitable for achieving their officially ascribed purpose. As such they represent fairly weak political instruments. Nevertheless, they often have a forceful *indirect* impact on the integration process.

1. Citizenship tests in countries with different naturalisation and integration strategies

Every industrial country that has experienced large-scale immigration has developed more or less explicit nation-specific policies and strategies for the incorporation of immigrants into the socio-political community.[1] These integration and naturalisation policies are strongly affected by, among other factors, the country's history (e.g. immigration, colonial past), institutional configurations, traditions of state-building and conceptualisation of national identity (Bauböck

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[1] The EFFNATIS (Effectiveness of national integration strategies towards second generation migrant youth in a comparative European perspective) EC research project analysed the differences between national modes of integration and their effectiveness in several European countries (see Heckmann and Schnapper 2003*a*).

2006: 3; Bloemraad 2006: 674). Accordingly, countries differ strongly in their national integration modes and policies as well as in their citizenship regimes.

Based on the general distinction between ethnic (*ethnos*) and civic (*demos*) concepts of nationhood (Brubaker 1992), a classification has been developed which distinguishes three ideal-typical citizenship regimes, each of them being associated with particular integration policies and a specific understanding of naturalisation (Zappalà and Castles 2000).

Differential exclusion (Castles 1995) and *collectivistic-ethnic type* (Greenfeld 1999): In countries such as Austria and Switzerland the integration policies mainly aim at the incorporation of immigrants in certain social fields, primarily the labour and housing market and the education system. Simultaneously, barriers have been established in the access to full political participation (i.e. citizenship) due to the self-conceptualisation as a national entity based on ethnic bonds (*ethnos*).[2]

Assimilation (Castles) or *collectivistic-civic type* (Greenfeld): Other countries – France used to be the archetypical example – expect immigrants "to give up their distinctive linguistic, cultural or social characteristics and become indistinguishable from the majority population" (Castles 1995: 297). Ethnic traditions and practices are largely banned from public spaces. The nation is not defined by ethnic boundaries but based on the concept of a political unity (*demos*). To become a citizen in these countries is usually relatively easy and promoted by the state.

Pluralism (Castles) or *individualistic-civic type* (Greenfeld): Many classic immigration countries, such as the US and Canada and since the 1970s Australia, have responded to immigration with some form of multiculturalism policies. There is a general acceptance in these countries that immigrants and ethnic groups will remain linguistically and culturally distinguishable from the majority population. Pluralism implies that immigrants shall be granted equal rights in all spheres of society, including full political rights. Hence citizenship is seen as a – or even *the* – core political instrument within the integration policies.

As many Western countries have recently experienced some fundamental changes of their integration and citizenship policies, this strict archetypical categorisation of nationalism and citizenship regimes has lost a lot of its explanatory power. Sue Wright correctly points out in the *IJMS* 10 (1): "These old categories of nationalism are now very blurred and no longer useful. What is coming is, however, not yet clear" (Wright 2008: 7). Despite the fact that many (partially

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[2] It is noteworthy that Germany, which used to be the most-quoted example of this collectivistic-ethnic type of citizenship regime, has amended its legislation significantly by implementing strong *ius soli* components with the introduction of the new Citizenship Law in 2000 (Brubaker 2001). However, parts of the conservative political camp continue to disapprove of such strong elements of *ius soli* and advocate a partial revocation of these liberal naturalisation provisions, introduced in 2000. The UN Committee on the Elimination of Racial Discrimination recently expressed concerns about Germany's restrictive naturalisation practices and called upon it to "facilitate acquisition of German citizenship by long-term residents and persons born in Germany" (CERD 2008: 5).

superficial) convergences have occurred recently regarding political and legal provisions on immigration, integration and naturalisation, Western countries continue to differ significantly in terms of their political modes of integration (see Heckmann and Schnapper 2003*b*: 253), concepts of nationhood and citizenship (see, for example, Koopmans et al. 2005) as well societal self-conceptualisation. A still significant dividing line – albeit not always easy to draw – runs between societies that consider themselves as not only de facto *multicultural* but as *officially multicultural* (see Joppke and Morawska 2003: 10) and societies that define themselves as ethnically rather "closed". These divergent national self-definitions and policy philosophies also translate into different laws and bureaucratic procedures – with the consequence that cross-national variations perpetuate (Bloemraad 2006: 675). Against this background it appears striking that similar citizenship tests have become an integral element of the naturalisation provisions in various countries.

1.1 Return of assimilation?

One might be inclined to interpret the increasing popularity of citizenship tests in different countries as an indicator of an *assimilationist turn* in national integration and naturalisation policies. Such an understanding is in line with the hypothesis that originally very divergent national integration policies are growing increasingly similar. At first glance, the recent and almost simultaneous amendments to national citizenship laws and, more specifically, the introduction of citizenship tests, seem to support this hypothesis. It is no longer considered sufficient that would-be citizens display a certain level of proficiency in the respective language, comply with the rule of law and accept the constitutional values – they now also need to demonstrate knowledge of their new home country's history, culture, society and political system.

A closer look reveals some inconsistencies in this interpretation and suggests a more complex reading. Although the acquisition of citizenship has undoubtedly become a more demanding venture, citizenship tests have only increased the requirements concerning the applicant's *knowledge* of the new home country – not concerning the adoption of *values*. Would-be citizens are not required to abandon their ethnic or cultural values, norms and lifestyle and hence assimilate into the mainstream culture of the receiving society in order to pass these tests. What also raises doubts about the hypothesis that citizenship tests necessarily indicate a general shift in national policies towards assimilation is that the two countries which have been applying these testing schemes for many years – the US and Canada – have clearly non-assimilative, pluralistic integration and naturalisation policies in place. France, on the other hand, where "assimilation into the French community"[3] has been explicitly and legally required, has not yet implemented formal written citizenship tests.

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[3] The Code Civil (Art. 21-24) in France defines assimilation as a prerequisite for naturalisation: "Nobody may be naturalised unless he proves his assimilation into the French community, and

2. An overview on citizenship tests and their functions in selected countries

The following snapshot analysis of citizenship tests as a naturalisation requirement in selected countries not only illustrates that the assimilation hypothesis is not defendable, but also highlights that citizenship tests fulfil entirely different functions – despite their partially strong resemblance in terms of structure, testing procedure and content.

2.1 Citizenship tests in the US and Canada: loyalty and commitment

The US and Canada define themselves as immigration countries and multicultural societies. The important contribution of immigration to the countries' economic, cultural and social prosperity is (and has been) generally acknowledged. Both countries traditionally follow a pluralistic integration policy. The naturalisation rates are very high (more than 700,000 per year in the US; approx. 150,000 per year in Canada), the minimum requirement regarding the duration of permanent residence is low, and citizenship tests have been in place for many years.

In the US,[4] applicants must have been lawfully admitted to the country for permanent residence and physically present for at least five years prior to filing with no single absence for more than one year and for at least thirty months out of the previous five years. A "good moral character" is a prerequisite for naturalisation, i.e. the criminal record must not exceed certain conviction limits. Applicants must show attachment to the US Constitution and a favourable disposition towards their new country. This is displayed by taking the mandatory oath of allegiance with which the applicant swears to support the Constitution, to obey the laws and to renounce any foreign allegiance.

The would-be citizen must be able to understand, read, write and speak English and demonstrate knowledge and understanding of the fundamentals of US history and principles of government, assessed by the civic test introduced in the late 1980s. An English test is carried out as an informal element of the naturalisation interview conducted by the immigration officer: usually the applicant has to read some sample sentences and write a sentence dictated by the officer. The civic test, which only takes a couple of minutes, consists of ten questions on US history, national symbols, and basic political issues such as political parties, voting procedures and the Constitution. The questions have to be answered either in written form (multiple-choice) or orally within the naturalisation interview. The pass mark is 60 per cent. Those who fail the first test are allowed to repeat it within sixty to ninety days. If they fail again, the application is turned down. The applicant may then request a hearing with an immigration officer and file a petition for a new

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especially owing to a sufficient knowledge of the French language, according to his conditions and of the rights and duties conferred by French nationality." The assimilation criterion, "rights and duties conferred by French nationality", was added to the Code Civil with the 2003 Amendment (Law No. 2003-1119).

[4] Requirements are laid down in the US Immigration and Nationality Act.

review of the denied application in the District Court. The costs for processing a naturalisation application (including the test) are US$330 (€230).

The US Citizenship and Immigration Service (USCIS) is mandated by the Homeland Security Act (2002) to promote instructions on citizenship rights and responsibilities and to provide immigrants with the respective information. Although preparatory classes are not provided by the USCIS itself, it offers a broad range of support measures and tools to assist applicants in preparing for the civic test and for the application procedure in general. The official handbook *Guide to Naturalization* contains all relevant information on the naturalisation procedures, including a list of institutions that offer preparatory courses for the civic and the language test or other forms of assistance in the process (adult education classes; community-based organisations; immigration attorneys). The USCIS also provides comprehensive information on its website and offers individual assistance through a free-of-charge telephone helpline and information counters at local USCIS offices. Comprehensive study material has been released, such as the Civic Flash Cards, booklets and an exhaustive list of civic tests questions (including answers) in several languages. These materials are designed to assist autodidactic learners as well as adult education instructors. For the latter, the USCIS has also developed curriculum and lesson planning tools and supplementary learning materials that can be used in language courses and citizenship classes to prepare immigrant students for the tests.

Since the late 1990s the civic test has come under scrutiny. Various studies have identified two main shortcomings: first, the adoption and administration of the test does not seem sufficiently harmonised across the country. Second, the test displays weaknesses in appropriately assessing the applicant's *meaningful* knowledge and understanding of US history and government. To overcome these shortcomings the Immigration and Naturalization Service (INS, now USCIS) launched a test redesign project in 2000, which was concluded in 2008.[5] Apart from improving the level of nationwide harmonisation, the language tests seem to require only minor changes (e.g. more civics-based vocabulary). The redesigning of the civic test will be more significant: responding to the criticism that the former test was not always suitable for ensuring the applicant's "meaningful knowledge", the revised test items "will focus less on redundant and trivial questions based on rote memorization and will focus on concepts, such as the rights and responsibilities of citizenship".[6] The 142 questions (all publicly accessible on the USCIS website) that had been developed were analysed in the 2007 pilot programme. The main thematic areas are the principles of American democracy, system of government, rule of law, rights and responsibilities, and history and geography.

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[5] In February 2007 a pilot programme started in ten cities in order to analyse the revised testing procedure.

[6] Press release of the US Citizenship and Immigration Services (22 January 2007). Some examples of trivial questions are about the colours of the US flag or the name of the USCIS form used for a naturalisation application.

The naturalisation procedures and requirements in Canada[7] resemble those in the United States. Applicants must have been permanent residents in Canada for a minimum of two years and have lived in the country for at least three of the four years prior to filing their application. A criminal record that exceeds a certain limit (e.g. sentenced to more than one year in prison or any indictable crime in the past three years) or a current imprisonment excludes the person from eligibility to apply for naturalisation. Naturalisation ceremonies and the obligatory oath of citizenship are "legally and symbolically important" components of the naturalisation process.

Would-be citizens must prove that they are able to speak and understand basic English or French and demonstrate "an adequate knowledge" of Canada and their rights and responsibilities as Canadian citizens. Applicants who are between 18 and 54 years old must pass a citizenship test (in written form since 1994) that takes about 30 minutes and consists of twenty questions chosen from a pool of 120 items. Twelve of these twenty questions have to be answered correctly (i.e. pass mark: 60 per cent). It is a Canadian peculiarity that test questions on voting rights and procedures *must* be answered correctly.

The citizenship test covers the following topics:

- Aboriginal peoples;
- National history;
- Confederation and (federal) government;
- Rights and responsibilities;
- Languages;
- National symbols;
- Geography and economy;
- Federal elections and voting procedures;
- Basic information about the region in which the applicant lives.

The would-be citizen can count on the state's assistance in the naturalisation application process and the preparation for the citizenship test. The Canadian state does not provide preparatory courses itself, but supports courses that are conducted by education institutions, schools, libraries and settlement agencies and organisations. Furthermore, the government offers a detailed information website and a comprehensive brochure on the application process (*How to Become a Canadian Citizen*) as well as the study booklet, *A Look at Canada* (online and print version, see PWGSC 2006), which serves as the main self-learning tool to prepare for the citizenship test. The booklet is sent to every applicant free of charge after filing an application. It contains all required information and a list of citizenship test topics and questions. Moreover, an information call centre for citizenship issues has been set up. If necessary, a citizenship officer will be assigned to provide

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[7] The requirements are laid down in the Canadian Citizenship Act (1947); the language and citizenship test requirement was introduced with the 1977 Amendment to the Canadian Citizenship Act. Information presented here stems from the Citizenship and Immigration Canada website (www.cic.gc.ca).

personalised counselling. The application fees (including the costs for the test) amount to C$200 (€130); C$100 are reimbursed if the application is denied.

In the US and Canada, citizenship constitutes the common bond that is supposed to hold an ethnically diverse society and political community together; the act of naturalisation is hence of the highest importance for the integration policies and processes of the two countries.[8] It mainly aims to strengthen the new citizens' full commitment and loyalty to society. Although immigrants are urged to identify with the new country, its people and basic values, cultural assimilation is not required. USCIS deputy director Jonathan Scharfen described the meaning of citizenship at a naturalisation ceremony in Washington in April 2007 as follows: "Both native born and naturalized citizens are bound together by a common civic identity that transcends cultural and ethnic differences uniting us all as Americans" (USCIS 2007*a*).

Embedded in such an ethnically pluralistic, "officially multicultural" context (Joppke and Morawska 2003: 10), citizenship tests are neither *designed* to convey a message of assimilation nor *perceived* as a tool of assimilation by immigrants themselves. The civic tests officially aim at enabling new citizens to fully participate – also in a political sense – in the community and to become a committed member of society. As basic language skills, knowledge of the national history and political system and awareness of rights and duties are regarded as indispensable prerequisites for full participation, would-be citizens are expected to acquire this knowledge both for themselves and for the benefit of society. The new citizens' loyalty and commitment to the country cannot be tested directly; hence the civic test can only check whether the applicants show the required knowledge. Implicitly this naturalisation requirement also seeks to ensure that applicants are committed enough to invest time and effort in studying for the test.

A sense of belonging and bonds of loyalty cannot be imposed on new citizens by the state. As a consequence, the naturalisation policies of both countries strive to encourage and invite immigrants to become citizens. This political strategy of encouragement is not only reflected by the comprehensive structure of assistance provided by the state within the naturalisation process, it is also underscored by various procedural details in the application process, such as relatively low application fees and the general acceptance of multiple citizenship – provided the would-be citizen has undivided loyalty to US society (see Bloemraad 2006: 672). Besides the application procedure itself, various political statements or events indicate that acquiring citizenship might be a demanding process, but is nonetheless desired and encouraged by the state. For instance, Canada's *Citizenship Week*, which takes place once a year in October, promotes the value of citizenship and encourages immigrants to apply. In the US, the current reviewing process of the civic and language test indicates that no obstacles shall be

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[8] In the US, granting citizenship is officially considered the "most important immigration benefit that [the government] can grant" (USCIS website).

established. The USCIS stresses that the new civic test format does not aim to "toss up roadblocks" (Shawn Saucier, USCIS spokesman), but to "encourage civic learning and patriotism among prospective citizens and help to encourage applicants to learn and identify with the basic values that we all share as Americans" (USCIS 2007*b*).

2.2 Citizenship tests in the Netherlands: integration check with higher hurdles

The following analysis of the Dutch naturalisation procedure and requirements illustrates that citizenship tests can also be designed to deter (certain groups of) immigrants from applying for citizenship and create new practical and motivational hurdles.

In the Netherlands[9] applicants must have lived permanently and lawfully in the country for the past five years without having been sentenced to prison, community service order or a larger financial penalty for the past four years. In general applicants are required to renounce their old nationality. Since October 2006, all would-be citizens older than 16 have been obliged to attend an official naturalisation ceremony; they are not considered Dutch citizens unless they participate in such a ceremony within one year after their application was approved. Article 8 of the Dutch Nationality Act requires that applicants are sufficiently integrated into Dutch society.[10] Until 2003 this rather vague integration condition had been checked by a municipal civil servant during an informal interview in which applicants had to show their command of Dutch and basic knowledge of society and the political system. This informal oral testing procedure was altered with the reform of the Nationality Act, which entered into force on 1 April 2003. Since then, applicants have had to pass formal tests[11] which assess their language proficiency (i.e. listening, reading, speaking and writing skills) and their knowledge of Dutch society, the political system and constitutional order. Both tests have to be undertaken electronically, which requires some basic computer skills (De Groot 2006: 23). The language test takes three hours and consists of more than 100 tasks and questions while the citizenship test takes about 45 minutes and contains forty multiple-choice questions. It encompasses questions on, among other topics, the Dutch political system, employment, income and tax issues, residence, health care and transport system and emphasises everyday life issues (e.g. supermarket, weather forecast). The pass mark of the citizenship test is

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[9] The information on the Netherlands stems primarily from the Dutch Immigration and Naturalisation website (www.ind.nl).

[10] With the introduction of the Dutch Nationality Act in late 1984, second-generation immigrants gained the right to opt for citizenship and first-generation immigrants were given the chance to naturalise relatively easily; no serious requirements were installed apart from a Dutch language test which "hardly anyone ever failed" (Joppke 2007: 11) – until the introduction of the amendment to the Nationality Act in 2003.

[11] Certain groups of foreigners are exempted from taking the naturalisation tests, for example, those who can demonstrate (e.g. by a diploma) that their proficiency in Dutch is good enough.

70 per cent, i.e. twenty-eight out of forty questions have to be answered correctly. Only applicants who pass this test can take the language test.

Those who can prove that they face serious physical or mental problems can be exempted from taking certain parts of the test; they are then referred to a special Testing Centre in Amsterdam where they undertake those test components that they can cope with. Illiterate people have to provide evidence that they have tried to learn Dutch in a training institute. If so, they are examined at the same Amsterdam-based centre (extra cost of €200). If they are assessed as capable of learning Dutch within five years, they will have to take the test again once they have acquired the required level of Dutch proficiency. The citizenship test costs €92; the language test is €168. The additional administrative fee for processing a naturalisation application ranges from €234 to €351.

According to the Dutch authorities, about one-third of the applicants fail when first taking the tests.[12] Those who pass can still be considered as "not sufficiently integrated" with the consequence of not being entitled to file an application for citizenship (e.g. if the applicant lives in polygamy). Those who fail the language or citizenship test have to wait six months before being allowed to repeat it. If an applicant fails three times, no further applications will be accepted. The assistance for would-be citizens concerning the application procedure, in particular concerning the preparation for the citizenship test, is very weak. Official study books do not exist, and the official naturalisation brochure is not sufficiently detailed to serve as a learning and preparatory tool. The availability of information about the content of both test components is "extremely poor" (De Groot 2006: 25). Besides a few sample questions (available on the government website) the citizenship test questions are not publicly accessible.[13] The fact that the test questions are changed every six months adds to the would-be citizens' difficulties in preparing for the test. The Netherlands Government has failed so far to install a comprehensive support structure to facilitate the application procedure (e.g. information centres, hotlines); and official educational programmes to assist future applicants in acquiring the knowledge required are not in place.[14]

In April 2007, the naturalisation testing scheme was replaced by the integration examination (Van Oers 2008: 47). These new testing procedures are comprised of two elements: a practical test, which assesses the applicant's proficiency in Dutch

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[12] In 2003 about half the applicants failed the tests (Van Oers et al. 2006: 392).

[13] The lack of learning opportunities (e.g. no handbooks, no publicly available test questions) has been justified by a government official claiming that "one cannot study to be Dutch, one has to feel Dutch" (Van Oers et al. 2006: 415).

[14] In 1998 the Netherlands Government implemented a nationwide integration programme (including language and societal orientation courses) which most newcomers are obliged to attend (Wet Inburgering Nieuwkomers, in force since 30 September 1998). These mandatory integration courses, which immigrants attend shortly after arrival, are not enough to compensate for the lack of support structure in preparing for the citizenship test.

in real-life situations;[15] and a "central examination" which encompasses the following three sub-tests:

- Computer-based test on Dutch society and politics;
- Oral examination by telephone, where questions are asked and assignments are given;
- Computer-based "Electronic Practical Examination", in which the applicant has to answer questions on practical issues in the Netherlands (e.g. how to register a new-born baby).

Whereas the costs for taking the integration examination have fallen compared with the fees for the citizenship test (before April 2007), the new testing scheme consisting of the various assignments appears to be as challenging and demanding as the previous naturalisation test (Van Oers 2008: 54) – if not more so.

Which aims did the government pursue with the implementation of these new testing schemes? The Nationality Act requires that the applicant is sufficiently integrated into Dutch society, which is demonstrated by a certain level of Dutch language skills and knowledge of society. Due to a lack of common guidelines before 2003 on how to assess these integration conditions, the previously applied oral testing procedure differed largely in terms of content and level of difficulty depending on the individual region or city. To meet these inconsistencies, the government decided to harmonise the testing procedure throughout the country by introducing the same written mandatory citizenship test (De Groot 2006: 23), which would, according to the proponents of these amendments, lead to more equality and fairness in the implementation of the tests (Van Oers 2008: 52).

After the introduction of this more harmonised testing scheme in 2004, the number of applications dropped drastically by two-thirds, from 37,000 (2002) to 19,300 (2004). Despite a slight upward development in the following years, the 2006 figures remained about 50 per cent below the level of 2002. The findings of a qualitative survey, conducted among seventy-eight immigrants and naturalisation experts in 2006, suggest that in particular "elderly people, those with limited or no education and women in disadvantaged positions" (Van Oers 2008: 51) tend to renounce their intention to apply for Dutch citizenship. It was not the shift from an oral testing procedure to a written test that had such a tremendous effect, but rather the combination of increased requirements and a lack of assistance and encouragement. The newly introduced tests are clearly more demanding and more difficult to pass than the former oral testing procedure, the application fees are relatively high, and the prospects of passing the citizenship test are difficult to assess. These factors contribute not only to building up practical obstacles but also

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[15] The practical examination can be taken by presenting a portfolio of thirty pieces of evidence that demonstrate that the applicant is fluent in Dutch in a range of real-life situations (Van Oers 2008: 47); alternatively or in combination with this portfolio, applicants can pass the practical examination by successfully taking part in several role plays that simulate real-life situations ("assessment").

to increasing emotional or motivational barriers by signalling to immigrants that they are not welcome as new citizens. This deterring message is reflected by the partially suspicious, mistrustful tone in which the new naturalisation provisions are being presented (e.g. provisions for mentally challenged or illiterate applicants). The discouraging signals are further reinforced by the public and political debate on integration and immigrants generally dominated by immigrant-sceptical attitudes and a problem-focused discourse on integration and the failure of former multicultural policies. In such a political setting, citizenship tests function as a mechanism to built new hurdles and deter immigrants from applying for citizenship.

2.3 Citizenship test in the United Kingdom: a tool to foster integration

In the early years of this decade, the UK experienced manifest signs of integration and social cohesion problems, the most obvious being the riots in northern English cities in the summer of 2001. These incidents triggered off a nationwide public and political debate on the "right integration strategy", which soon led to specific legal amendments. The most significant changes occurred with the introduction of the Nationality, Immigration and Asylum Act (2002) which is of relevance for the naturalisation procedure in two respects: firstly, naturalisation ceremonies with a mandatory citizenship oath were introduced as a compulsory part of the procedure (January 2004); secondly, formal naturalisation tests became obligatory (November 2005).

Applicants for citizenship must have lived in the UK lawfully and most of the time for at least five years.[16] They have to be of "good character", i.e. must not have been convicted of a serious crime, and "stay closely connected with the United Kingdom". Furthermore, a pledge and an oath or affirmation of allegiance is mandatory. Since January 2004 adult would-be citizens have been required to make this oath at an official citizenship ceremony. The applicant needs to have a sufficient level of English, Welsh or Scottish Gaelic, which is "good enough … to deal with everyday situations" (the level depends on their age and physical and mental conditions), and a "sufficient knowledge about life in the United Kingdom". Both knowledge requirements must be proven[17] by either passing the newly introduced written citizenship test *Life in the UK* or by successfully completing an (usually publicly funded and free of charge) ESOL course (*English for Speakers of Other Languages*) with a citizenship syllabus. There is no specific requirement concerning the language skill level of this ESOL course. If an applicant passes the citizenship test, it is assumed that their language skills are sufficient; hence an extra language test is redundant. If an applicant's English skills are below the level which is deemed necessary to prepare for and pass the *Life in the UK* test (ESOL

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[16] Information and quotes stem – unless otherwise indicated – from the UK Home Office website (www.ind.homeoffice.gov.uk).

[17] It is worth mentioning that immigrants who seek "indefinite leave to remain", i.e. apply for permanent settlement status in the UK, also have to pass the citizenship test or complete a pertinent ESOL course.

Entry Three), an ESOL course is recommended; at the end of this course the applicant has to pass an examination which assesses speaking, listening, reading and writing skill, but not explicitly knowledge of life in the UK.

The computer-based *Life in the UK* test consists of twenty-four multiple-choice questions chosen from a pool of 200, all based on information given in several chapters of the learning handbook *Life in the United Kingdom. A Journey to Citizenship* (Home Office 2004). The applicant has 45 minutes to complete the test. The test concentrates on the political structures, traditions and practical, everyday life issues; history topics do not occur among the 200 possible questions. The test covers the following topics, including a few region-specific questions:

- *A changing society* (migration in the UK; changing role of women; children; family and young people);
- *UK today. A profile* (population; nations and regions of the UK, religion; customs and traditions);
- *How the United Kingdom is governed* (British Constitution, the UK in Europe and the world);
- *Everyday needs* (housing; services in and for the home; money and credit; health; education; leisure; travel and transport);
- *Employment* (looking for work; equal rights and discrimination; at the workplace; working for yourself; childcare and children at work).[18]

About three-quarters of the questions have to be answered correctly; however, the pass mark is handled flexibly. About 70 per cent of the applicants have passed the test during the first nine months after its introduction (ABNI 2007: 30). The administrative fee for taking the test is £34 (€43); the additional costs for the application have drastically risen from £260 (€330) to £655 (€820).[19]

The UK Government provides comprehensive assistance for applicants. Besides the UK Home Office website, which offers detailed information on citizenship and the application procedure (including a large section of FAQs), a telephone help line for personal assistance as well as a specific website on the *Life in the UK* test has been set up. The latter website contains detailed, practical and easily accessible information about the testing procedure, ranging from the selection of the test centre and where to order the preparation material to the use of a computer mouse. At the *Life in the UK* test venue applicants can ask for technical assistance.

The core preparation tool for the test is the handbook *Life in the United Kingdom. A Journey to Citizenship*. It is based on the recommendations of the Life in the United Kingdom Advisory Group (established in September 2002), commissioned by the government "to look at the content, conduct and implementation of

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[18] The handbook contains four further chapters which applicants are *not* tested on: *The making of the United Kingdom* (History, Chapter 1); *Knowing the law* (Chapter 7); *Sources of help and information* (Chapter 8); *Building better communities* (Chapter 9).

[19] £80 (€100) is refunded if the application is unsuccessful.

programmes of study for potential citizens" (ABNI 2006: 4). It was originally published in December 2004; a revised version, which is more user-friendly and accessible to learners of lower English proficiency (around ESOL Level Three), was released in March 2007.[20] To make the preparation for the test more effective, the revised handbook also contains a glossary and advice on key areas to concentrate on, which help to check whether the learner has understood the content of each section. It can be purchased online or in bookstores for £10 (Home Office 2004).

Why did the UK Government rethink its citizenship policy and amend the naturalisation requirements so deliberately? In the aftermath of the northern English riots in 2001 integration, social cohesion and citizenship issues received a great deal of public and political attention. The rising debate was dominated by critical voices that accused the long-standing British multicultural policy of being too indifferent, too laissez-faire. Although the positive attitude towards cultural pluralism and diversity was not fundamentally questioned, British integration policy shifted rapidly towards greater inclusiveness and emphasis on the connecting bond of a commonly used language, shared key values and the sense of belonging to the British community. This civic integration policy, on the one hand, urged the state to play a more active role in supporting immigrants and, on the other, called upon immigrants to make greater efforts to participate in society, live up to their civil responsibilities and contribute to social cohesion. Within the framework of this policy change, naturalisation received more attention as a means to "strengthen active participation in the democratic process and a sense of belonging to a wider [British] community" (Home Office 2001: 29). This is also reflected in the official mandate of the Life in the UK Advisory Group to develop new approaches "to raise the status of becoming a British citizen and to offer more help to that end" (Home Office 2003: 3).

The Advisory Group presented two main recommendations to enhance the significance of British citizenship. First, the mandatory oath of allegiance should be taken at a public citizenship ceremony to underscore that becoming a citizen is not an ordinary bureaucratic act, but a meaningful life event. Second, would-be citizens should be required to pass the citizenship test *Life in the UK* and, by doing so, demonstrate their language skills and knowledge of the UK. This is justified as follows: "The more we all know about each other, the less likely are serious problems to arise and the more we can help each other. The new requirements are to be seen not as a new hurdle but as a much needed entitlement." (Home Office 2003: 8). The citizenship test contributes – on a symbolic level – to emphasising the significance of becoming a British citizen as "citizenship is more esteemed and valued when it is earned, not given" (Home Office 2003: 3–4). On a practical level, the test aims to ensure that future citizens speak English sufficiently[21] and display a

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[20] Since the introduction of the revised handbook, the pass rate has further increased to almost 80 per cent (ABNI 2007: 30).

[21] The previous language requirements have been described as "undefined …, often perfunctory and sometimes uselessly minimal" (Home Office 2003: 4).

basic knowledge of life in the UK – two requirements regarded as decisive conditions for active participation in public life and successful integration in general. Integration is conceptualised in a comprehensive sense, encompassing not only structural, social and cultural dimensions but also identificational aspects such as feelings of belonging and loyalty to the political community. Hence, in the long run, effective integration contributes to strengthening social cohesion and promoting good race relations and community cohesion.

2.4 Similar content, different functions – a snapshot comparison

The following comparison between the citizenship test in the UK and the one used in the Netherlands highlights selected aspects of the naturalisation procedures in both countries. This comparative approach supports the starting-point hypothesis that citizenship tests may appear to be very similar political instruments, but fulfil entirely different functions depending on the national context.

At first glance, the *Life in the UK* test and the Dutch "societal orientation" test (or since April 2007 the "central" integration examination) bear strong resemblances: the questions cover similar topics ranging from politics (e.g. government, constitution) to employment and other everyday life issues (e.g. transport, housing). The official reason for the introduction of these language and citizenship tests – ensuring would-be citizens' language skills and knowledge of their new home country – are partly congruent, and the administrative naturalisation fees are relatively high in both countries, especially in the UK. Beyond these similarities, however, the differences between the Dutch and the British understanding of naturalisation are striking, and the functions of the citizenship tests in both countries could hardly diverge more. The fundamental differences lie in the answers to two interrelated questions:

(a) Is naturalisation being promoted by the state as a desirable step or are immigrants discouraged from becoming new citizens?

(b) Is naturalisation regarded as the reward for a successful integration process or "rather as a good beginning" (UK Advisory Group) to this process?

(a) In the UK, immigrants are strongly encouraged by the government to take up British citizenship. The new Dutch naturalisation policy, however, bears a rather sceptical and deterring undertone. This is reflected in the general political and societal framework in which the respective amendments are embedded, as well as in the practical implementation of the citizenship testing schemes and the assistance structure provided by the government.

In both countries, the traditionally multicultural policy has undergone deliberate changes and has recently been replaced by a civic integration approach. The conservative, centre-right government in the Netherlands has been following a more restrictive immigration and integration policy, which partially conveys a

message of mistrust towards immigrants.[22] The British Labour Government introduced proactive immigration provisions, less immigrant-sceptical than those in the Netherlands,[23] and increased its efforts to foster integration and promote racial equality.[24] The introduction of citizenship tests represents a political measure incorporated into these divergent, but internally consistent, readjustment processes in the national integration policies of both countries. It is not surprising that in the Netherlands the new naturalisation requirements have often been interpreted by immigrants as an additional deterrent – as the Dutch naturalisation statistics suggest. In contrast, empirical research indicates that in the British context similar testing procedures are generally not perceived to be an "unfair barrier to applying successfully for citizenship" (Levesley 2008: 36).[25]

In the UK various statements issued by government officials and other public opinion leaders have stressed that naturalisation is regarded as a desirable step and emphasised the importance of encouraging immigrants to apply for citizenship. The Home Office, for example, asked the Advisory Group to "recommend measures to encourage more of those long settled to apply for citizenship" (Levesley 2008: 31). In its recently published report, the Advisory Group goes one step further: "We believe … that those permanently resident in this country … have a civic obligation not merely to act as citizens as should we all, but also that they should apply to become naturalised citizens, unless there are good reasons to the contrary … . There can be no compulsion, but those eligible should be encouraged and supported to take up British citizenship" (Levesley 2008: 10). Such explicit statements on encouraging immigrants to apply for citizenship are lacking in the Netherlands.

Such political statements can have an important, but usually rather symbolic, impact on the public perception of citizenship and immigrants' willingness to become new citizens – for effective policy-making they must, however, be accompanied by tangible political measures. A look at the assistance offered to would-be citizens in preparing for the test and the application procedure in general is very insightful. Whereas the UK Government has established a broad range of practical tools to support the applicant in preparing for the citizenship test, the

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[22] The Netherlands Government recently tightened immigration provisions: persons seeking to immigrate within the legal framework of family reunification are required to pass a language test and "Dutch culture" examination prior to entering the country. If they fail, no visa will be granted.

[23] For example, the UK Government permitted labour migrants from the new EU accession states to access the British labour market immediately after the EU enlargement in May 2004 – a political step which otherwise only Ireland and Sweden made. Currently the government is planning to implement a more selective points system to steer immigration – similar to the one in place in Canada.

[24] See, for example, the Macpherson Report (1999) on the Stephen Lawrence Inquiry, which led to the development and implementation of various sustainable programmes (e.g. race equality schemes and policies).

[25] Tom Levesley (EdComs) analysed "experiences and perceptions" regarding British citizenship and the naturalisation procedures through expert interviews with stakeholders and in-depth interviews with eighty-one (prospective) citizens (Levesley 2008).

Netherlands Government does not provide any assistance beyond basic information on the naturalisation procedure and requirements.

Numerous procedural details also indicate that the UK Government *wants* immigrants to become British citizens whereas the Netherlands Government established naturalisation provisions shaped by an immigrant-sceptical tone, which rather build new deterrent barriers in the access to citizenship. Some examples: immigrants in the UK can sit the citizenship test as often as they want until they pass it. In the Netherlands applicants who fail the test three times are not entitled to try again. On the *Life in the UK* website one can find, besides comprehensive information on the citizenship test, encouraging statements on the testing procedure by people who have taken the test, such as "I've never used a computer before, but found it quite easy" or "The test wasn't as hard to use or as stressful as I expected". It is also noteworthy how the UK Home Office explains on its website why questions on British history have not been incorporated into the *Life in the UK* test after its latest review: "it would be unfair for migrants to have to answer questions that many British people would have difficulties with". These details also mirror the envisaged character of the British test: demanding, but fair and accessible.

Whereas in the UK the language requirements are handled flexibly, the Netherlands has significantly increased the required level of language proficiency while simultaneously introducing citizenship tests – a political step "geared towards failing as many applicants as possible" (Joppke 2007: 14). As a consequence of the tightened provisions about half the applicants failed the test in 2003, the year of its introduction (Van Oers et al. 2006: 392), and the number of applicants dropped even more drastically by two-thirds.

(b) The second fundamental difference between the British and Dutch naturalisation policies is related to the function of naturalisation within the integration process. In the Dutch context, citizenship tests are officially designed to ensure that the applicant is integrated. "Naturalisation has come to be regarded as crowning the successful process of integration" (Thränhardt 2006: 13). The Dutch immigration minister's statement on citizenship being the "first prize" (Rita Verdonk; quoted in Kuper 2006) illustrates this notion of naturalisation as the final step in the integration process (Van Oers 2008: 45). Although the UK Advisory Group's recommendation that "citizenship should be earned, not given" seems to point to a similar "first prize" understanding of citizenship, the British conceptualisation of the relation between naturalisation and integration is in strong contrast to that in the Netherlands. In the UK, obtaining citizenship is regarded as an integration tool. Policy-makers have explicitly stressed that "becoming naturalised should not be seen as the end of a process but rather as a good beginning" (Home Office 2003: 13). The UK Advisory Group recommended that every applicant should be given a "local information pack" during the naturalisation ceremony as a memento that "will encourage new citizens to pursue new studies for occupational and self-improvement. Such studies … should not end with the formal requirements for naturalisation" (Home Office 2003: 31).

3. Can citizenship tests fulfil their official purpose?

Given that the core functions of citizenship tests mainly derive from the political framework in which they are embedded, a gap seems to emerge between the complex, officially ascribed purposes and the actual impact of these tests. This gap occurs in all national contexts.

Citizenship tests in the United States and Canada are designed to strengthen the prospective citizens' commitment and loyalty to their new country. Is it realistic to expect that this objective can be achieved through a language and civic test? And if not, how can citizenship tests contribute to this objective? Since commitment and allegiance cannot be checked directly, the assumed preconditions for these complex objectives, i.e. the applicant's knowledge and understanding of history, society and political system, will be tested instead. The more accurately the test evaluates an applicant's meaningful understanding, the more likely it is that the new citizen has acquired the necessary prerequisites to actively participate in the community. Nevertheless, even the most sophisticated and elaborate test design cannot guarantee that the acquired knowledge will lead to any form of participation in society. A deeper understanding and meaningful knowledge of the society in question might enable and encourage new citizens to become committed and active members of it, but commitment and loyalty remain a matter of individual choice. Here the impact of citizenship tests reaches its boundaries, and the gap between the possible impact of this political tool and its official intended purpose becomes apparent.

Do citizenship tests constitute a suitable tool to check the applicant's level of integration, as they are supposed to do in the Dutch context? The assessment of integration is a challenging task that requires a clear definition of integration and specific, objective criteria. The criteria applied within the framework of the Dutch naturalisation procedure are language proficiency and knowledge of the political system, constitutional order and everyday life issues of the society. The criterion of language skills is commonly accepted as one valid indicator of integration (although the required level of proficiency is disputable); the format and content of the citizenship test, however, have been met with criticism (see Bauböck 2006; Van Oers et al. 2006; Joppke 2007). The test is based on the assumption that someone who is integrated must be able to answer these questions – without preparation, but solely by having lived several years in the Netherlands. Some test items appear very specific[26] or "have nothing to do with any basic knowledge necessary for living in the Netherlands or the basic values reflected in the constitutional order of the country" (De Groot 2006: 23).[27] A more fundamental concern, however, is whether the level of integration can be assessed at all through

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[26] For example, the question: "How much money are you allowed to receive per month tax-free for work as a volunteer?"

[27] The applicant is shown a picture of a man in a post office and asked: "What does this man need at the post office? A passport, an ID card or a bank card?"; or the applicant is played a voice shouting "Bananas, bananas for sale", followed by the questions: "Where are you? Supermarket, flower shop or market place?"

such a ready-to-go instrument. Applicants who reject Dutch constitutional values and the rule of law (and are thus not "sufficiently integrated") might pass the test, whereas those applicants who are not familiar with certain activities (e.g. opening a bank account, grocery shopping, working as a volunteer), but fully acknowledge the constitutional values, may fail it. Questions on the political system tend to challenge less-educated applicants who might also be well integrated. Hence there seems to be a "danger that difficult tests will make it harder for immigrants without secondary or university education to become citizens" (Bauböck 2006: 5). These shortcomings indicate that the Dutch citizenship test cannot be considered a proper tool to single out applicants who are not sufficiently integrated – but rather a contribution to creating new inequality in terms of the immigrants' level of formal education (Van Oers 2008: 54, 56–57).

In the UK, citizenship courses were introduced to foster applicants' and future citizens' integration and sense of belonging to a broader British community as well as to generally enhance the significance of British citizenship. To prepare for the *Life in the UK* examination applicants usually study the official handbook that contains all test-relevant topics. The information presented in this book is undoubtedly useful and *can* contribute to the immigrant's understanding of British society and, as a consequence, foster integration – and in the long run successful integration is a positive catalyst for feelings of commitment and a sense of belonging. This "educational and empowering function" is deemed as "vital for inclusion and participation in the new country", as Kiwan pointed out in the *IJMS* 10 (1) (Kiwan 2008: 71). It is, however, also feasible that the information acquired for the test will have no further impact on integration – applicants could simply read the handbook, learn the information by heart and reproduce this information by ticking the correct boxes of the multiple-choice test.

The objective of enhancing the status of becoming a British citizen by setting up knowledge requirements is of an entirely different quality to all other objectives mentioned previously: It does not directly refer to an intended impact on the applicant, but to the (symbolic) meaning of naturalisation and citizenship itself. The UK Government has achieved this goal to some extent. By making the acquisition of citizenship more demanding (in conjunction with introducing mandatory naturalisation ceremonies), the significance of becoming a British citizen has increased – at least in an abstract, symbolic sense. Whether the individual applicant values the newly acquired citizenship more than before the introduction of these tests remains an open question. The principle of "what is earned is more esteemed than what is given" might sound reasonable and may be true, but there is no guarantee of a generally greater appreciation of citizenship.

4. Instead of a conclusion: citizenship tests per se are abstract but potentially forceful tools

The immediate impact of citizenship tests appears weak and overrated in the political discourse. Their officially ascribed function can hardly be fulfilled – at

least not directly. Nevertheless, these naturalisation testing procedures can play a forceful role within the integration process. By preparing for the test applicants acquire relevant information about the society of their new country. This can initiate ongoing interest in the country's political system, history and society which might lead to further learning processes, stimulate commitment and engagement in the community and contribute to the development of feelings of belonging and loyalty. This is a long process that cannot be imposed upon the individual and can only be promoted indirectly. Citizenship tests have the potential to be one piece in this complex puzzle. Their introduction can have a positive, encouraging impact – provided that they are accompanied by other integration support measures and embedded in a political and societal climate of inclusiveness, openness and equal opportunities.

If the adoption of such tests within the framework of the naturalisation procedure – intentionally or not – generally discourages immigrants from applying for citizenship and is perceived as a deterrent or even discriminatory instrument, their potential to have a positive impact on the integration process is at risk. Instead of commitment and loyalty, a sense of non-belonging and exclusion among immigrants may be promoted. Instead of strengthening integration, the introduction of such test features could incite immigrants to withdraw from the host society and search for recognition and emotional support in their own ethnic communities. In this sense, citizenship tests per se constitute only an abstract political tool. In a specific political framework, however, they obtain their specific functions and thus turn into a meaningful and often forceful element of the national integration policies – either as an encouraging invitation or as a deterring hurdle.

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OPEN FORUM

Cultural Perspectives on Digital Inclusion

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This paper addresses the concept of digital inclusion as put forward by multiculturalism in contrast with alternative views of inclusion informed by hybridity theory, with a view to achieving a theoretical engagement between digital inclusion theory and the homogenisation-proliferation of difference dialectics that characterises globalisation. Whereas more conservative, essentialist forms of multiculturalism generate a political strategy that operates on a conception of culture that contemporary cultural theory itself disavows, certain views of hybridity are hardly compatible with the conventional political connotations of inclusion. This incommensurability between cultural theory and cultural politics calls for a reassessment of the very notion of inclusion, and provides a new set of questions regarding the role of new information and communication technologies in relation to cultural difference and social inequalities.

D igital inclusion is a fairly recent term for the fairly traditional notion that certain media and/or technologies (from writing to electricity, from railways to the internet, and so on) can be applied purposefully and effectively to social development. The qualifier "digital" has come into play in this traditional issue to foreground the fact that, in recent years, a broad range of senses of development (economic growth, democratic governance, better educational standards, and so on) have become associated with the new information and communication technologies (ICT). ICT are thus viewed as "keys for growth, jobs, investment and innovation", and it is believed that "a stronger ICT sector together with a wider and efficient use of ICT throughout all sectors of the economy is a clear opportunity to foster competitiveness, sustainable development and social inclusiveness" (Reding 2006: 2). As to how institutions and governments think that ICT can be applied to social development, we might take for example the US-based Institute for the Study of Digital Inclusion's mission statement: "to promote the use of effective and affordable technology among all communities with the goal of enhancing individual lives, globally" (ISDI 2002).

Although these views on digital inclusion are not unproblematic, they represent a considerable advance in relation to previous reductionist frames of analysis based on the notion of a digital divide, viewed by many an analyst as the revival of the now discredited Great Literacy Divide put forward by Western historians and psychologists in the 1960s. By turning to concepts such as *sociotechnical networks* and *community informatics* on the one hand, and to contemporary European sociological debate on social inclusion (Stewart 2000) on the other, authors such as Mark Warschauer (2003) have disturbed the digital divide mantra, and put forward a notion of digital inclusion as a process situated at the intersection between ICT – viewed as a technical infrastructure that mediates access to socially relevant knowledge, and social inclusion – viewed as a political objective towards which such infrastructure should be geared.

In binary, reductionist notions of (digital/social) inclusion, *life opportunities* is the key term, often applied more emphatically to economic categories, while factors such as cultural identity and cultural practice are ruled out. Those deemed "included" or "excluded" in such analyses are sometimes seen as inhabiting watertight spaces supposedly maintained by pre-existing, natural forces of history, biology, geographical location or "the market", forces which, allegedly, can only be overcome by means of an increase in income and consumption.

However, dichotomic, reductionist models of digital inclusion (those that divide the diverse population of the world between haves and have-nots, connected and disconnected, and so on), have been seriously questioned by recent works. Warschauer (2003), for example, takes on Stewart's (2000, 9) notion of social inclusion as "a matter not only of an adequate share in resources but equally of participation in the determination of both individual and collective life chances". This particular way of conceiving inclusion is reflected in the author's findings which point to a series of gate-keeping mechanisms based on gender, age, ethnicity, physical aptitude, educational background and so on.

Oriented by a similar perspective in their survey of ICT access in Rio de Janeiro's *favelas* (shanty towns), Sorj and Guedes (2005) show that digital exclusion is manifest in cultural factors that lead to differentiated forms of access. The authors found out, for example, that Afro-Brazilian males living in *favelas* have better opportunities of access to the internet and to digital literacies at work than their wives and daughters – even when more educated – because women in those communities are most often employed in domestic and janitorial services for which access to ICT is considered pointless.

Along with gender and age, ethnicity and national origin are also frequently cited as independent stratifiers of ICT access, a fact often referred to as a "cultural problem" in official discourses. In order to clarify such misconception, Rojas et al. (2004) carried out a study in Austin (United States) to investigate the belief that Hispanic immigrants had low techno-disposition. By interviewing immigrants from different social classes and generations living in the region, the authors found out

that the techno-dispositions varied considerably on an individual basis, and that differences in access were connected to discrepancies in the various forms of capital, in the Bourdieuan sense,[1] held by their subjects. One of the most significant findings in that study was that, contrary to popular belief, access to ICT did not necessarily change people's *cultural capital*, but, on the contrary, significantly higher levels of *cultural capital* – including knowledge of the English language – triggered the need for information that favoured a positive disposition towards ICT.

Some interesting qualitative studies have also been carried out recently that attempt to investigate the effects and conditions of ICT access across micro-contexts. In a year-long study carried out in Melbourne (Australia), for example, Snyder et al. (2002) investigated computer-mediated literacy practices of children in four disadvantaged families from different cultural backgrounds that had gained access to subsidised computers and internet connections at home. The authors wished to find out if and how the new (digital) literacies in those families affected (positively or negatively) the children's performance at school. After a year of periodic visits to the families' homes, observations of school practices, and interviews with the children's teachers and parents, the authors concluded that school success or failure was not directly correlated with ICT access at home, but with the ways in which the families' norms, values and lifestyles incorporated literacy practices, both digital and traditional, which were (in)compatible with established schooling principles and norms.

I believe that these and similar studies point to the need for a theory of digital inclusion to be grounded on critical views of the socio-cultural dynamics taking place in late modernity, and, consequently of what should be meant by "inclusion" in a broader sense. Such an understanding is however far from consensual, not only because it could be based on contradictory theoretical models, but also because the very object that these theories and ideologies seek to describe – society, that is – is increasingly characterised by a new (dis)order, crushed between the simultaneously culturally homogenising and socially excluding pressures of transnational capitalism, and the ever-increasing flows of people, cultural objects, commodities and technologies that force us to realise that "each of us belongs not to one but to several ethical communities, whose demands are often conflicting" (Gray 2000: 24).

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[1] French sociologist Pierre Bourdieu (1986) uses the word "capital" to designate any kind of resource, material and/or symbolic, that allows its owner to appropriate the "profits" derived from participation in a certain social arena. "Cultural capital", in this sense, refers to familiarity with cultural codes, including the linguistic code, and with certain cultural dispositions of the upper classes. "Social capital", on the other hand, describes the network of social relationships maintained by individuals, including mutual recognition with other social agents, which provides one with "credit", in the various senses of the word, within a community.

1. Extending the metaphors

In order to synthesise the findings of his research and to consolidate his model of digital inclusion, Warschauer (2003) employs the metaphor of a "virtual circle" where pre-existing social resources contribute to an effective use of ICT to access, adapt and create knowledge which, in turn, will help to strengthen and amplify the pre-existing community resources. The circle metaphor, however, is also fairly recurrent in analyses of digital exclusion, i.e. the process by which those who do not own or do not know how to use ICT are supposedly kept from participating in the so-called information society. For example, Martins (2006), a researcher in charge of advising the Brazilian Government on the adoption of technical standards regarding the digital television (DTV) switchover, warns policy-makers about a potential new turn in the "vicious circle" of technological innovation to be caused by the failure of certain groups of Brazilians to comply with the new consumption demand and to participate in the new meaning-making and knowledge-sharing practices related to DTV.

The circle metaphor can, thus, inform substantially different views of inclusion. It can serve the notion that the included are *consumers*, and that inclusion and exclusion are statuses determined chiefly by people's purchasing power and ability to keep up with the mainstream. It can also help to portray the included as *active users*[2] of technology whose economic status is but one of the several social and cultural factors intersecting in the inclusion/exclusion processes. Such contrast suggests that there is more to defining digital inclusion than locating it at the intersection between social inequities and access to technology. In other words, defining digital inclusion in terms of social inclusion is not simply stating the obvious because the very notion of society beneath social inclusion can be controversial. Thus, even though the virtuous/vicious circle model is an advance in relation to the digital divide framework, a new advance is necessary in the sense of problematising the notions of society and social inclusion.

One way to start such problematisation is to extend the circle metaphor in directions not usually explored in the literature. For example, along with the idea of iteration that most authors seek to utilise, the circle metaphor also implies delimitation (to a trajectory), that is, it translates into an understanding of society as a set of predetermined cultural, social, economic, semiotic, occupational, cognitive, etc. trajectories in which individuals and groups are regularly inserted, or from which they can periodically be ejected. It also entails the assumption that the system reproduces itself autonomously, and that it cannot be reconfigured, stopped, or derailed. Such a conception of society and social processes is hardly compatible with a view of inclusion as transformation and reconfiguration which is, in the end, what one expects ICT to promote in a world marked by growing injustice and exclusion.

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[2] I wish to acknowledge Ilana Snyder for this distinction between "users" and "consumers".

Apart from extending the meanings of usual metaphors in order to shed light on the assumptions behind them, I also seek to contribute to the problematisation of digital inclusion by surveying the controversies between two overlapping constructs that support contemporary views of inclusion: multiculturalism and hybridity. In doing so, I do not intend to construct any prescriptive framework, but only to probe further into the usefulness of such notions as inclusion and exclusion for a critical and transformative theory of ICT in relation to the contemporary socio-cultural dilemmas. First, however, it is necessary that I define more precisely what "culture" and "multicultural" should mean to the reader who ventures beyond this point.

2. Culture as a dynamic process

Following Pennycook (1995: 47), I want to avoid both "the Marxist view that reduces culture to a reflection of socioeconomic relations" and "the liberal pluralist view … that takes cultures to be sets of stable beliefs, values and behaviour" so as to adopt "a sense of culture as a process by which people make sense of their lives, a process always involved in struggles over meaning and representation". To a certain extent, such a view of culture renders the term "multiculturalism" either redundant or meaningless. First because, strictly speaking, all societies and/or cultures are multicultural, that is, whatever the scale or trait of stratification taken (nation, village, hemisphere, gender, age, ethnicity, first language, etc.), a culture will always remain heterogeneous from the point of view of another scale or trait. Second, and more important, because as contemporary cultural theory has it, cultural identities are not essences preconditioned or definitely fixed by some natural objective factor, but are actively produced and/or performed by means of representations of Self and Other within power structures.

Multiculturalism, therefore, is addressed here chiefly as a political doctrine. It refers to certain strategies and worldviews adopted by a few liberal Western states in order to handle the tensions, conflicts and social inequities related primarily, but not exclusively, to immigration, decolonisation and diasporic movements in national societies, or in communitarian multinational arrangements (Hall 2003). It is obviously within the interest field of a theory of digital inclusion not only to observe how this political vision translates into practical changes in the access rates, gate-keeping mechanisms, and appropriation processes pointed out by Warschauer (2003), Rojas et al. (2004) and Snyder et al. (2002), but it is perhaps just as important to propose alternatives to alleged inadequacies of certain multiculturalist discourses to handle the dynamics of culture and identity in the contemporary world.

3. Liberal multiculturalism: inclusion as classification and crystallisation of difference

Broadly speaking, multiculturalism, seen as a set of political processes and strategies, attempts to understand and minimise social inequalities by relating them to cultural differences that are historically connected to the unequal distribution of wealth and political power in societies (bearing in mind that all societies are in principle culturally heterogeneous). In different countries, and diverse historical settings, however, multiculturalism may take on quite different meanings, or, as Hall (2003: 52) puts it, there are not only different multicultural societies, but also different multiculturalisms, founded on different political and philosophical grounds, and on different interpretations of the concept, as it gets assimilated into various discursive settings.

It can be said that, even though all forms of multiculturalism are in principle concerned with the recognition of heterogeneity, the attitude towards such heterogeneity varies significantly across contexts. In its most conservative, anachronistic variety, multiculturalism has often taken the form of cultural repression or coercive assimilation of cultural minorities (from disabled people to immigrants to indigenous peoples) in favour of a supposedly homogeneous collective identity on which a cohesive, stable social arrangement, such as the modern nation-state, could be grounded. The presupposition of such idealised, but unavailable, homogeneity in the formation of nation-states under the sign of ethno-nationalism has, in many cases, turned into forms of apartheid and/or ethnic cleansing (Habermas, 2002).

As opposed to such conservative versions, multiculturalism can also take on critical or revolutionary forms, that is, it can be powerfully articulated with social movements of resistance and/or insurgence against power/oppression and privilege hierarchies based on cultural difference. To say so, however, is not necessarily to associate critical multiculturalism with orthodox left-wing political thinking, as many a leftist thinker will criticise multiculturalism on the grounds that, in privileging culture and identity, it disregards economic and material matters (Hall 2003: 53–4).

Apparently detached from an overt political stance – although necessarily meaningful politically – are other contemporary versions of multiculturalism noted by social critiques. Gómez-Peña (2000: 12), for example, points to a new "benevolent form of multiculturalism" associated with the mercantilisation of cultural difference that "artificially softens the otherwise sharp edges of cultural difference, fetishising them in such a way as to render them desirable". This form of corporate multiculturalism, adopted, according to the author, by the transnational corporations and global media networks, is, in Gómez-Peña's words, "devoid of 'real' people of color, true artists, outcasts, and revolutionaries. The very diversity it claims to celebrate merely performs the passive roles of glossy images and exotic background, played out by nameless backup actors and dancers". Fish (1997: 378), on the other hand, puts forward the notion of "boutique

multiculturalism" to describe an emerging attitude of superficial respect for and even celebration of cultures other than one's own, an attitude, however, that "will always stop short of approving other cultures at a point where some value at those cultures' centre generates an act that offends against the canons of civilized decency".

Multiculturalism is, in short, itself a politically disputed notion far from representing a unified doctrine. To make matters even more complex, multiculturalism is dynamically connected to the several reconfigurations of power and political relations brought about by contemporary social phenomena, from post-colonialism to civil rights movements to globalisation. To reconcile such diverse interpretations of multiculturalism is probably beyond the scope of this paper. I therefore focus on a specific form of multiculturalism which provides the basis for the notion of digital inclusion as an intersection between ICT and social inclusion: liberal multiculturalism.

Liberal multiculturalism may be defined as a political doctrine, associated with liberal ideology, which recognises the cultural heterogeneity of national societies and seeks to promote a peaceful and productive relation between different cultural groups. To do so, it prescribes a universal individual citizenship bound to a defined territory and promoted by a culturally neutral state that is supposed to equalise life chances for all (Hall 2003). From the practical point of view, liberal multiculturalism translates into policies that reinforce cultural (linguistic, religious, sexual, educational, etc.) rights and promote *positive discrimination* (or *affirmative action*) in education, health care, and employment for ethnic, gender or other so-called minorities. While positive discrimination aims to remediate social inequities caused by a history of unfair economic exchanges among cultural groups, the recognition of difference, and of the right to be different, is seen as an effective strategy to avoid social conflict and to maintain a negotiated cohesion in the nation.

Liberal multiculturalism is, however, paradoxical: it emphasises difference to promote equality, it recognises fragmentation for the sake of cohesion, and it weakens the idea of a homogenised nation while at the same time being promoted by the state in the name of national interests. To a certain extent, the multiculturalist paradox can be thought of as deriving from *cultural essentialism*, i.e. the belief that humans are born with supposedly natural and fixed characteristics traceable to their cultural origin. In practice, such essentialist views provide the basis for what Vale de Almeida (2002: 70) calls two basic de facto models of multiculturalisms: the *nationalist/fundamentalist model*, which prescribes "linguistic and religious unity, a distinction between national citizens and foreigners based on blood kinship, temporary immigration with expirable work visas, but no possibility of permanent residency, familial regrouping or citizenship",[3] and the *essentialist model*[4] in which citizenship is shared among co-

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[3] "... unicidade linguística e religiosa, a distinção entre nacionais e estrangeiros com base no direito de sangue, a imigração temporária com visto de trabalho caducável mas sem possibilidade de residência, reagrupa-mento familiar ou exercício de cidadania".

existing cultural groups, but cultural differences are accentuated to the point that cultural entrenchment and stigmatisation become bigger problems than the one that multiculturalist policy intended to solve.

As in all paradoxes, essentialist multiculturalism can only be "solved" by the realisation that the premises it puts together (in this case, essentialised difference and social equity) are not all really true or cannot be true together. In other words, multiculturalism is only viable where difference is not opposed to equality, but to standardisation, and equality is not opposed to difference, but to inequity (Candau 2002). According to Vale de Almeida, this "ideal multiculturalism" can only be achieved through some form of cosmopolitan citizenship[5] which, in the end, would render the very notion of multiculturalism unnecessary.

In the absence of such cosmopolitan citizenship, certain digital inclusion initiatives around the world are being inspired by essentialist multiculturalism, as for example when governments subsidise the purchase of computers and internet access by ethnic minorities or promote ICT-based cultural revitalisation. Although such initiatives can be seen as an advance in relation to previous assimilationist/segregationist stances, the fact remains that essentialist multiculturalism also poses serious threats and limitations to the social transformations that are expected to be achieved with the help of ICT. It appeals to tolerance for the different, but does not question the fixation of difference. It relies on the premise that differences are crystallised attributes and, by doing so, automatically creates yet another set of dichotomies between the normal and the different, the tolerant and the tolerated. It aims at *inclusion* by producing *seclusion* within a static, ethnocentrically defined cultural grid and thus avoids the real problem: the fact that everybody is already included in one big system of unfair exchanges of symbolic, economic and technical power, a circle set in motion across scales ranging from the classroom or the family to the nation or the global market.

4. Multiculturalism and the new global (dis)order

Apart from its own internal contradictions, liberal multiculturalism, as well as any other ideology of social inclusion, must respond to the growing tension between two antagonistic forces that characterise the contemporary socio-historical macro-context: on the one hand, the homogenising/standardising force – which critical observers refer to as the *McDonaldization* of the world – driven by global capitalism, for which ICT play a role as significant as the one played by press

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[4] Essentialism is the philosophical view that all entities of a class of objects share certain invariant characteristics that distinguish such class from others. Such a view has provided the basis for essentialist theories of culture and identity according to which gender and race, for example, are fixed traits or essences not subject to variations among individuals or over time.

[5] In contemporary socio-cultural analyses, "cosmopolitan citizenship" often refers to a new (proposed) understanding of citizenship as something neither bound to a national territory, nor to a unified cultural identity. The term can be found in the literature both with and without attachment to the idea of a world government.

technologies in the formation of nation-states (Anderson 1983); on the other, the proliferation of demands for recognition of difference and the right to be local that the very homogenising pressure of globalisation seems to continuously fuel. According to Hall (2003), the co-presence of these forces generates a social dynamics in which the vertical axis of cultural, economic and technological power is always compensated by lateral connections that have to be considered, by a worldview comprised of many different localities which the globalising forces have to deal with.

Because of its paradoxical nature, liberal multiculturalism can be seen as serving both axes, but none of them fully. On the one hand, it proposes that the tension should be handled through the expansion of a classificatory worldview in which places, individuals and cultures get to be stabilised and re-accommodated from a global perspective, that is, that they can be "glocalised". On the other hand, it foregrounds the historical mechanisms through which heterogeneous worldviews were either silenced or erased by nation-states so that the "imagined communities" (Anderson 1983) represented by modern nations could emerge, and thus helps to justify separatist aspirations and cultural entrenchment ideologies worldwide.

For many an observer, the current tension between homogeneity and difference, and/or globality and locality, simply reproduces the power struggles that characterised the emergence of nation-state ideology, with two important twists: first, the scale of the struggle is now global and, second, the process is not driven by the state but by transnational capital, to which states are now increasingly subjected. As far as we consider this analogy valid, however, multiculturalism constitutes a new variable that tends to make inclusion this time a very different matter: whereas in the previous order inclusion meant silencing cultural differences, in the new (dis)order it is about celebrating, and often reinventing, essentialised differences that can be traded off for better life-chances.

Hence, instead of fearing an alleged cultural homogenisation of the world, those concerned with inclusion as transformation should probably be more concerned with how differences are being discursively/politically produced by means of such ideologies as multiculturalism and such technological infrastructures as ICT, and with finding alternative views to what we might refer to as "inclusion". One such view is hybridity,[6] as put forward by contemporary cultural theory, to which I now turn.

5. Hybridity: inclusion as "border crossing"

In many post-industrial societies of the liberal West, the tension between homogenising global forces and struggles for the recognition of difference has

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[6] Both "hybridity" and "hybridism" are used to refer to the concept and body of knowledge to which I now turn. I have decided to use "hybridity" following the majority of the bibliographical sources produced in English that are cited here.

produced disjunctive political solutions, that is, a compromise between universalised political obligations – such as obedience to the constitution – and particularised, pre-defined cultural rights. By means of such disjunction, certain Western states try to accommodate the post-national, post-colonial and post-modern clamour for the recognition of difference within the ideals of universal citizenship and cultural neutrality of the state, which are foundational of liberalism.

As post-structural cultural theory[7] has it, however, cultural identities do not pre-exist cultural subjects, nor are they rationally stabilised by cultural groups. Cultural identities, are, in fact, continuously produced and/or performed by means of heterogeneous practices and discourses that incorporate cultural material from the Other. In other words, cultural identities can not be fixed *a priori*, nor do they result from rational disjunctions, but are constantly re-performed and renewed by hybridity.

Hybridity is not to be taken here as the interbreeding of different species usually resulting in sterile offspring, or mongrelisation, as the word is normally interpreted in the life sciences, but "the interrelated phenomena of biological, linguistic, cultural, spiritual, and political mixing produced through some sort of border crossing" (Friedman 2002: 14). In sharp contrast with previous ethnocentric and puristic views that deemed hybrid subjects and/or cultures unnatural, inferior or even outrageous – the very etymological roots of the word can be traced back to the Latin word *hubris*, an outrage on nature – hybridity is currently theorised as the cultural output of globalisation and the key to the post-modern subject. Notwithstanding the pervasiveness of the idea of fusion or mixture in the various discourses about hybridity, the concept currently serves at least three different (not mutually exclusive) models, or traditions, of cultural analysis, according to Friedman (2002), of which we must be aware.

In the *fusion hybridity* model, two or more elements (cultures, identities, languages, etc.) seen as originally pure and discrete are mixed to create an entirely new form. This new form, then, is supposed to represent a total rupture with the original units. In terms of inclusion, this model is probably best illustrated by the crucible or melting-pot metaphor, which says that differences can be melted away in the production of a new essential uniqueness. A second model, *interplay hybridity*, postulates an ongoing process of action and reaction between different cultures in a syncretist context within which, in spite of the contact and mutual contaminations, each form remains recognisably distinct. Finally, there is *always already hybridity*, the third model, which posits a radical refusal of purity both in the original, pre-fusion form and in the resulting, post-fusion one. This tradition sees hybridity as

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[7] An eclectic school of thought that attempts to break up with earlier (structuralist) approaches to the study of socio-cultural phenomena. While structuralism relies on the existence of underlying invariant (deep) structures inherent in cultures and cultural products, post-structuralism holds that no universal system of rules can explain "reality", that "reality" itself does not exist independent or beyond language and ideology, and that meaning does not pre-exist its realisation just as no individual subject is pre-defined by some transhistorical essence.

the always operating blending of always already mixed forms, or, in simpler terms, it presupposes that traces of other cultures have always existed in every culture, and that such traces cannot be connected to either a definite origin or an ultimate end point.

Friedman (2002: 4) exemplifies these three modes of hybridity by referring to how jazz music can be conceived: "as an instance of fusion hybridity" says the author, "jazz is an entirely new and distinct musical form born of the mixing of West African and Anglo-European musical practices. As interplay hybridity, jazz combines elements of West African and Anglo-European musics, easily identifiable to a trained ear. As *always already* hybridity, jazz mixes musics which are themselves the products of continual musical syncretism within West Africa, the United States, Europe and Britain, along with influences from other continents. Rooted in the US, jazz has nonetheless taken many cultural forms within these boundaries and has continued its syncretist development as it travels worldwide."

Although hybridity, unlike multiculturalism, is not instantiated in the form of an official political doctrine, it can shed light on the issue of cultural difference in ways than inform political stances. According to Friedman (2002: 14), whatever mode is considered, the cultural work of hybridity tends to be theorised in two ways: it is either seen as "an entirely routine, inevitable, and ordinary part of all cultural formations as they emerge, change, and travel through time and across space", or as "transgressive, a creative force that disrupts, denaturalises, and potentially dismantles hegemonic cultural formations". We are thus faced not with one but with three alternatives to the multiculturalist rhetoric of inclusion/exclusion, should we try to interpret hybridity politically.

Fusion hybridity might very well provide support for either the political demonisation of the Other, or the overvaluation of the Other as superior. Demonisation because contact with the Other should contaminate allegedly pure, traditional cultures, thus instilling inequity in the idyllic cultural formations of the local. Overvaluation because contact with the superior Other, taken as pure, should gradually improve the local, should "include" the inferior in the superior ways of the Other. For the sake of illustration, fusion hybridity ideology, in its "improving the inferior" version, has been very influential in the Brazilian politics of the nineteenth and early twentieth centuries. As Skidmore (1992: 6) explains: "When the doctrines of scientific racism struck Brazil, especially after 1870 … the Brazilian elite offered an ingenious response. They turned on its head the basic assumption of the white supremacists. They accepted the doctrine of innate white superiority, but they then argued that in Brazil the white was prevailing through miscegenation. Instead of 'mongrelizing' the race, racial mixing was 'whitening' Brazil. Miscegenation, far from a menace, was Brazil's salvation."

As anachronistic as these views may sound, they can still be seen at work in current discourses of digital inclusion/exclusion, for example, when public opinion reproaches the purchase of a satellite dish, or an internet-ready computer, by an

indigenous community, for fear of "cultural loss",[8] or, conversely, when politicians sell the idea that access to ICT-based content "may not get the children out of the *favela*, but will certainly get the *favela* out of the children".

Interplay hybridity, on the other hand, cannot be said to support idolisation or demonisation of the Other because it does not support the idea of cultural "loss" or cultural "improvement". Instead, it relates the interaction between different cultures (or interculturality) that, ultimately, makes cultures change over time and adapt to new objective conditions. Language is perhaps the most obvious example. As language philosopher Mikhail Bakhtin (1988: 156) puts it, languages evolve historically by means of hybridisation, that is "a mixing of various 'languages' co-existing within the boundaries of a single dialect, a single national language, a single branch, a single group of different branches or different groups of such branches, in the historical as well as paleontological past of languages".[9]

Political action inspired in *interplay hybridity* would, thus, theoretically trust the natural forces of assimilation and transformation of elements borrowed from other cultures, or perhaps try to strengthen them, as a form of inclusion that resists cultural subordination. In fact, some theoretical voices of interplay hybridity would be particularly useful in the construction of such approach to digital inclusion. García Canclini (2005), for example, comes to mind immediately, as he problematises the notion of *connection*, both in technological and sociological terms, based on the premise that we are moving from a multicultural world to an intercultural one.

"Differences and inequities," he says (2005: 92), "are no longer fractures to be overcome, as modern humanism, with its well-known *naïveté*, had it. The relative globalised unification of the markets does not feel disturbed by the existence of the different and the unequal, which is evidenced by the weakening of those words and their replacement by 'inclusion' and 'exclusion'. What does the preponderance of such vocabulary mean? Society, formerly conceived in terms of strata or levels, or of distinctions according to national or ethnic identities, is now conceived through the network metaphor. The included are those who are connected; the others are the excluded, the ones whose links are broken as they get unemployed, homeless, disconnected."[10]

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[8] I place the term inside quotation marks to signal its inconsistency with the notion of culture as a process through which people make sense of their lives, instead of a set of stable values and beliefs that could eventually be lost.

[9] "... mistura das diversas linguagens que coexistem no seio de um mesmo dialeto, de uma mesma língua nacional, de uma mesma ramificação, de um mesmo grupo de ramificações ou de vários, tanto no passado histórico das línguas, como no seu passado paleontológico ..."

[10] "As diferenças e desigualdades deixam de ser fraturas a superar, como queria, com a ingenuidade que conhecemos, o humanismo moderno. A relativa unificação globalizada dos mercados não se sente perturbada pela existência de diferentes e desiguais: uma prova é o enfraquecimento desses termos e a sua substituição por esses outros, inclusão ou exclusão. O que significa o predomínio deste vocabulário? A sociedade, antes concebida em termos de estratos e níveis, ou distinguido-se

Thus, while the circle metaphor serves a worldview that is compatible with liberal multiculturalism, García Canclini (2005: 17) uses the network metaphor to clarify the need for other assumptions about culture and society to subsidise inclusion, on the grounds that we have moved from a multicultural world to an intercultural one. To shift from multiculturalism to interculturalism, or to replace inclusion with connection, though, is not as simple a solution for the difference-inequality paradox as it might sound at first as, like all others, the network metaphor also embodies assumptions about culture and society that we might want to question.

It is true that while the circle and the crucible emphasise centredness and containment, the network entails flow and decentredness, and that while the circle suggests iteration, the network proposes a form of interaction that does not result in the melting away of differences. We should, notwithstanding, extend this metaphor, as I have previously done with the circle, to understand that every network is comprised of other networks, some of which we may not be aware of, or might only consider when our immediate, preferred connections fail. Consequently, the network metaphor does not really rid us of the problem of power, that is, of the fact that (economic, political or technical) power is ultimately responsible for turning differences into inequalities. It simply transmutes centredness and hierarchy into polycentredness and regulation of flow.

Nevertheless, interculturalism (or interplay hybridity) may provide a powerful counter-discourse against conservative multiculturalism in that it does not sentence the marginal/subaltern groups to entrenchment in traditional, imaginarily homogeneous, cultural pigeon-holes. It certainly responds more adequately to the fact that the world is allegedly becoming a contact zone where the diasporic experience need not entail geographical relocation – the fact that we live at a time when "our neighbourhood, our town, our nation are identification sceneries"[11] where we "appropriate other repertoires available in the world, which we encounter as we shop for imported goods in the supermarket, or turn on the TV, or move between countries as tourists or migrants"[12] (García Canclini 2005: 44).

Still, the global-society-as-network metaphor tends to downplay the existence of power-nodes regulating the flow of exchanges, and the ways through which such regulation selects the differences that matter for the perpetuation of some cultural nodes and switches off those that are potentially disruptive or unprofitable. Globalisation and the expansion of the ICT infrastructure are in fact not as pervasive as transnational media and Western politicians like to announce, but very unevenly distributed around the globe and within national communities. Neither is

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segundo identidades étnicas ou nacionais, agora é pensada com a metáfora da rede. Os incluídos são os que estão conectados; os outros são os excluídos, os que vêem rompidos seus vínculos ao ficar sem trabalho, sem casa, sem conexão."

[11] "... nosso bairro, nossa cidade, nossa nação são cenários de identificação …"

[12] "... apropriamo-nos de outros repertórios disponíveis no mundo, que nos chegam quando compramos produtos importados no supermercado, quando ligamos a televisão ou passamos de um país para o outro como turistas ou migrantes".

the loosening of the bonds between culture and territory equally true to all contexts, for there remain countless stigmatised localities in the world where access to electricity and telephone networks, let alone internet connections, has yet to come.

Always already hybridity, on the other hand, potentially dismantles cultural hierarchies as well as centre-periphery or node-based configurations of power and culture, but it does so on basically on one condition: that we get rid of the idea of inclusion/exclusion and embrace the notion that cultures and identities are always open and heterogeneous, and so we are all always already included and excluded at the same time. From this particular perspective, fighting inequalities based on differences is neither a matter of entrenchment and trade-off, nor of appropriation and interplay, but a matter of *destabilising* and *subverting* the works of power in the assignment of sameness and otherness by means of whichever practices, discourses and technologies there are.

This subversive, destabilising potential of hybridity is more often and more incisively addressed by post-colonialism, a critical perspective that gained momentum through the analysis of literary works, but which is now also central in a broad range of discussions about globalisation, racism, diasporic movements and multiculturalism (Hall 2003). Post-colonial critique approaches hybridity from the point of view of representation, drawing on language/discourse theories, such as Mikhail Bakhtin's dialogism and Jacques Derrida's deconstructionism, to question cultural essentialism, that is, to show that cultural identities, like meanings, are dialogically produced by means of institutional and representational systems.

Bakhtin did not see language as an abstract system of normative forms, but as an always evolving process that is realised through verbal interaction among social subjects, or dialogue. For him, the most fundamental unit of language is the utterance, that is, the performance of language by a defined subject within a specific historical and socio-cultural context, and every utterance stands in a dialogic relationship to previous or presupposed ones. Bakhtin (1988: 156) referred to hybridisation not only as a natural fact of languages which allow them to evolve and survive through history, but also to conceive ambiguity as a property of language that can consciously be activated by speaker/writer. In this case, hybridisation is "a mixture of two social languages within the limits of a single utterance, an encounter, within the arena of an utterance, between two different linguistic consciousnesses, separated from one another by an epoch, by social differentiation or by both".[13] That kind of hybridisation, therefore, does not reconcile (or melt) two different points of view into a single one, but establishes a dissonance or mutual contestation that keeps the meaning of the utterance indefinitely open. Such conception is instrumental in the way Homi Bhabha (1994), one of the most prominent post-colonial theorists, shows, through his criticism of British colonial literature, that hybridity disrupts the hegemony-

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[13] "... uma mistura de duas linguagens sociais no interior de um único enunciado, é o reencontro na arena deste enunciado de duas consciências lingüísticas, separadas por uma época, por uma diferença social (ou por ambas) …"

subalternity relationship between the coloniser and the colonised by producing ambivalence on both sides.

To support their assertion that cultures and cultural identities are inevitably open, post-colonial authors also draw on Derrida's deconstructionism. For the French scholar, meaning in a given language (or text) is never fixed and derived from an independent objective world, but generated by means of relations among signifiers (ultimately, words can only refer to other words). Such relations normally take the form of binary oppositions in which one term is taken as fundamental and the other as derivative: the meaning of "woman", for example, is generated by binary opposition to "man" (wo*man* equals not man). To *deconstruct* is to dismantle such oppositions by showing that neither term is fundamental, that is, by showing that the opposition is a construction.

For Derrida (1982, para. 25), "there can be arbitrariness only because the system of signs is constituted solely by the differences in terms, and not by their plenitude. The elements of signification function due not to the compact force of their nuclei, but rather to the network of oppositions that distinguishes them, and then relates them one to another". Derrida's *différance*, then, refers to "the movement according to which language, or any code, any system of referral in general is constituted 'historically' as a weave of differences" (para. 29), the word movement in this definition implying the impossibility of fixing the meaning of a sign permanently or attaching it to any "true" original meaning.

Post-colonial theorists such as Bhabha (1994) and Hall (2003) take it that culture, like language, is constructed by *différance*, that is, culture is an open semiosis where hybridity rules. Hybridity thus corresponds to *cultural translation,* the word "translation" not referring to correspondences between two discrete systems, but to processes of dislocation, of bearing something across from one system to the other. Hybridity or *cultural translation*, in turn, takes place in what Bhabha (1994: 37) calls *third spaces*, that is, *"*discursive sites or conditions that ensure that the meaning and symbols of culture have no primordial unity or fixity; that even the same signs can be appropriated, translated, and rehistoricized anew".

It is easier to get the *third space* out of its invisibility when we look at diasporic communities such as the often-cited groups of immigrants from ex-colonies (and their descendants) living in France, Portugal or the United Kingdom, because the co-presence of subjects or elements previously separated by geographical and historical disjunctures is still very evident. But the term ultimately refers to the fact that meaning is always dependent on objectively and ideologically heterogeneous contexts, subject to socio-historical conditioning factors. Strictly speaking, the *third space* is the space between signifying and signified that every interpreter, in every community, needs to handle in order to make meaning, a *locus* that is always constituted by a whole array of conflicting ideological, linguistic and cultural elements.

The contact zone or the border crossing experience of diasporas, nomadism, or immersion in such discursive sites as the internet makes the *third space* more tangible because it disrupts the artificial, coercive mechanisms which allow for the illusion that there was ever an original homogeneity or a stable resolution for meaning. This is essentially why, in post-colonial theory, the *third space*, or hybridity itself, is subversive, destabilising, transgressive: once retrieved from its invisibility, it deconstructs, negotiates and transforms all binary divisions (global-local, traditional-modern, ethnic-white, gay-straight, national-foreign, social-technical, included-excluded, and so on).

How does *always already hybridity* translate into digital inclusion? Well, it certainly does not translate into finding a better niche within static power structures or imposed cultural grids, nor establishing more authorised connections within power-regulated networks. In fact, it is contradictory to the idea of *stasis*, and therefore of status, or state, as it points to the various ways through which the construction of such instances relies on ethnocentric representations of the world. Consequently, if there is any point in talking about a political stance on inclusion from that perspective, it is probably only in the sense of questioning the very idea that for social justice to prevail, there needs to be fixed, categorised and localised identities attached to specific geographical and/or social spaces. As far-fetched as this may sound, the best that *always already hybridity* can do for the debate on inclusion is to disavow the concept itself in pretty much the same way that an ideal multiculturalism should make the term itself unnecessary. In other words, by fostering interpretations of identity and difference as open, contingent, temporary and fluid, *always already hybridity* can subsidise a definition of democracy as a genuinely heterogeneous space (Hall 2003) and promote a ceaseless confrontation of all forms of closure.

6. Concluding remarks: more borders to cross

The considerations presented in this paper aim to contribute to the construction of a theory of digital inclusion that avoids both the implausible postulations of technological determinism and the naivety of instrumental theories of technology, which fall short of recognising the cultural and ideological embeddedness of ICT. Motivated by the results of recent research in which access to ICT is considered in relation to the contexts that culturalise it, I ventured discussing some underlying assumptions of current political doctrines regarding heterogeneity in order to problematise digital inclusion as an intersection between access to ICT and social inclusion.

First, I emphasised the paradoxical nature of liberal multiculturalism and its double-edgedness, especially with respect to the tension between the alleged waves of cultural homogenisation and of proliferation of difference that characterises globalisation. I then turned to hybridity, in its various modes, as a possible alternative to the rhetoric of multiculturalism, in quest of its implications for a theory of social (digital) inclusion. The contrast between assumptions underlying

those two visions of inclusion shows that conservative varieties of multiculturalism are political strategies that operate on a conception of culture that cultural theory itself disavows. On the other hand, hybridity, as theorised in contemporary cultural theory, is not always compatible with the very notion of inclusion.

This incommensurability between cultural theory and the politics of cultural heterogeneity, however, opens the way for a complex set of new questions that those interested in the relations between ICT, society and culture need to answer: to what extent does the concept of inclusion as containment still hold when we begin to dream of, or be frightened by, the idea of the world as a digitally supported zone of contact where crossing symbolic borders is the rule? Does inclusion adequately translate our concerns in relation to the ways through which ICT access is supposed to improve people's lives? If it does, then how can we work towards a notion of inclusion that goes beyond access and connection to account for heterogeneity and cosmopolitan citizenship?

To that set of questions, we should add quite a few others that hybridity inspires. First, we need to know more about how hybridity underlies representation in ICT seen as a medium, that is, about how semiotic modalities, linguistic codes and artificial languages intertwine in the digital discourses that shape and are shaped by contemporary societies, so that we can uncover the ways through which the supposed homogeneity and discreteness of the cultural and the technical reinforce political forms of oppression or exclusion. Second, we need to probe further into technology as a contact zone between culture, science and politics, and into technological innovation as a process of translation – in that same sense the word acquires in post-colonial critique. How do ICT become *black boxes* (Latour 1987), how do they acquire closed, fixed meanings, and how can we dislocate them in order that they can be of better service to the inevitable openness of culture? Third, we need to find ways to deconstruct such binary oppositions as virtual and real and to find out how ICT are entangled in the hybrid cultural spaces, literacies and identities of late modernity.

In pursuing answers to these questions we might very well end up discarding the words "inclusion" and "exclusion" which, notwithstanding, are still an important if inaccurate means of referring to the deepening of social injustice the world faces (or, maybe, has more difficulty ignoring) today. Nevertheless, if we do so, it will be for the sake of establishing a new, more powerful connection between what we think is ethically right and what we know is theoretically acceptable. To pursue this adequacy, on the other hand, digital inclusion theorists from various academic backgrounds will, paradoxically, have to deal with the same kind of border crossing, instability or hybridity that they wish to explain. That is pretty much what I have tried to do here.

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