

# INSIGHT BRIEF

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## The Diplomacy of Forced Return: Challenges and Controversies

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### Introduction

In recent decades, the issue of return migration has increasingly come to the forefront of global migration debates (King & Kuschminder, 2022). Forced return is a controversial aspect of migration management. Host countries, especially in Europe, have tightened their policies to control migration flows, leading to a greater emphasis on forced return. This policy stems from the need to regulate irregular migration and ensure the stability of national and European migration systems. Forced return, which involves compelling migrants to leave a host country and return to their country of origin, often under coercive circumstances, has become a highly debated strategy.

However, forced return raises questions about the effectiveness and humanity of this policy. While it is presented as a necessary measure to regulate migration flows, it often comes with legal, ethical, and humanitarian challenges. Kleist (2020) highlights that the reintegration of people returning is often problematic, with migrants facing economic uncertainty, social exclusion, and lack of support from both the government and local communities after their forced return. This makes forced return a complex process, where migrants often return to a situation of uncertainty rather than a safe and stable environment.

### Highlights

Forced return, a practice where migrants are compelled to leave a host country, raises serious legal, ethical, and humanitarian concerns, especially when migrants are returned to countries where they face harm or persecution.

Assisted Voluntary Return (AVR) is a more humane alternative, though it is controversial because migrants may feel coerced into participating due to the threat of forced expulsion.

Diplomatic relations between host countries and countries of origin are often strained due to forced return policies, especially when host countries pressure countries of origin into accepting returnees without proper reintegration support.

Forced return poses a dilemma for host countries, which must balance controlling migration with respecting human rights, particularly the non-refoulement principle, which prohibits returning migrants to places where they are at risk.

Additionally, several European countries have increasingly shifted towards offering alternatives to forced return, such as Assisted Voluntary Return (AVR) (Conte et al., 2023). AVR is often promoted as a more humane approach, where migrants are supported to return voluntarily rather than face forced expulsion. However, this program is often seen as a less intrusive solution, though it can limit migrants' freedom of choice, as many have no realistic option other than to return in order to avoid the threat of forced return.

## Migrants are returned to countries where they face persecution, torture or serious harm

Diplomacy plays a central role in managing forced return, especially when host countries and countries of origin must negotiate the conditions for return. Host countries often rely on readmission agreements with countries of origin to ensure that people who return are accepted. Diplomatic relations between host countries and countries of origin are often tested. Host countries may be focused on maintaining migration control, while countries of origin may have concerns about the reintegration of their citizens and the potential strain on their own resources (IOM, 2021). These negotiations require a careful balance between cooperation, the protection of migrants' rights, and the broader diplomatic interests of both parties, aiming for solutions that address the needs and responsibilities of all involved (Tsourapas, 2024).

This insight brief examines the growing emphasis on forced return as a strategy for migration management, focusing on the role of migration diplomacy in addressing the legal, ethical, and diplomatic challenges of this policy.

### Navigating the Complexities of Forced Return and Migration Diplomacy

#### Causes and Trends Leading to Forced Return

Forced return has its origins in the political approach to deportation, which gained prominence as concerns over migration flows to Europe and other Western countries grew (King & Kuschminder, 2022; Marino, 2023). In response, stricter measures were introduced to manage irregular migration, with readmission agreements playing a key role in efforts to return migrants to their countries of origin. These agreements were intended to ensure the smooth and effective return of individuals who did not have legal status in host countries.

In practice, the EU and other countries have signed numerous readmission agreements, yet their impact has been mixed. While return rates may temporarily increase following the signing of these agreements, the long-term success of these initiatives often remains limited (Stutz & Trauner, 2021). This reveals a broader trend where forced return is promoted as a policy tool to regulate migration and address irregular residence, yet its effectiveness in achieving these goals is debatable. Forced return has become a key aspect

of migration policy in many host countries, particularly in Europe, where it is presented as a necessary measure to maintain control over migration flows.

This trend raises critical questions about the effectiveness and humanity of forced return. While emphasizing migration control, it often leads to human rights violations, particularly when migrants are returned to countries where they face persecution, torture or serious harm. Such practices conflict with the principle of non-refoulement, enshrined in Article 33(1) of the 1951 Refugee Convention, which prohibits returning individuals to places where their life or freedom is at risk (Tsourapas, 2024). Forced return also has severe humanitarian consequences, including the loss of basic rights and inadequate protection for returnees (IOM, 2021). Cases where non-refoulement is violated expose the tension between migration control and international legal standards, highlighting broader critiques of forced return as often prioritizing enforcement over migrant welfare.

The rise in forced return can be attributed to efforts to discourage irregular migration, however, it fails to address the structural causes of migration, such as poverty, conflict, and environmental change. This creates a paradox for migrants, who often have no real choice. Returning means facing uncertainty and possible danger, while the alternative is the threat of forced expulsion. This makes forced return a deeply problematic policy, both ethically and diplomatically, particularly when it endangers the fundamental rights of migrants (Stutz & Trauner, 2021).

#### Actors Involved in Forced Return

Forced return is a diplomatically sensitive process involving various actors, from states to non-state organizations, and from international institutions to local communities. Each actor plays a specific role, but the dynamics between these actors can often be challenging and characterized by power imbalances.

- Host countries, such as EU member states, have the right to return migrants who no longer have legal status. Frontex, the European Border and Coast Guard Agency, plays a key role in executing forced return operations. However, this raises concerns about migrant rights, as these operations often involve coercion and violence (IOM, 2021)
- Countries of origin play a key role in forced return programs, as they must agree to the return of their citizens. Economic incentives such as development aid or trade benefits may motivate them to cooperate, but these agreements are often seen as difficult compromises.
- Non-state actors, such as NGOs and human rights organizations, play an essential role in advocating for the rights of migrants and offering alternatives to forced return, such as AVR.

### The Role of Migration Diplomacy

Diplomacy plays a critical role in managing migration, particularly when host countries and countries of origin must negotiate the terms of return and reintegration. While much of the focus is often on the tensions and challenges associated with forced return, diplomacy can also be a powerful tool in fostering positive, cooperative solutions, positive-sum approach (Tsourapas, 2024). Supranational diplomacy, can help guide and structure these negotiations, ensuring that forced return is conducted in the most humane way possible by securing proper safeguards for migrants' rights and providing adequate support during their reintegration into their country of origin.

Furthermore, diplomacy can help to establish and promote alternatives to forced return, such as Assisted Voluntary Return (AVR) programs (Conte et al., 2023). Through diplomatic channels, host countries and countries of origin can work together to create conditions where return is a real choice for migrants, offering them support and opportunities to reintegrate. These negotiations can focus on mutual benefits, ensuring that both the migrant's dignity and the country's sovereignty are respected, while also addressing underlying issues such as economic opportunities, social support, and safe conditions for people who return.

### Diplomatic Controversies

Diplomatic controversies surrounding forced return arise due to the human rights violations often involved in the process. One of the most significant issues is the risk of unsafe return, where migrants are sent back to countries where they face persecution, torture, or other forms of harm (Caritas International Belgium, 2024). This directly conflicts with the non-refoulement principle, which prohibits the return of individuals to places where their life or freedom would be at risk. Such practices not only raise serious ethical concerns but also strain diplomatic relations between host countries and countries of origin, especially when host countries are accused of violating international human rights standards.

While AVR is generally considered as a more humane alternative to forced return, it remains controversial as migrants may still feel coerced into participating due to the threat of expulsion (King & Kuschminder, 2022). Political pressure plays a critical role in shaping the forced return process. Host countries often use economic incentives or visa arrangements as leverage to encourage cooperation from countries of origin. Rather we can call this a zero-sum approach (Tsourapas, 2024). This pressure can lead to tensions, especially when countries of origin are unwilling to accept migrants who may face humanitarian crises upon their return, raising both legal and ethical concerns in diplomatic discussions.

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### Conclusion

Forced return has become a central issue in global migration management, raising complex ethical, legal, and diplomatic challenges. While it is often presented as a necessary tool for controlling migration, it frequently leads to human rights violations, particularly when migrants are returned to countries where they face persecution or unsafe conditions. This creates a profound dilemma for host countries, which must balance the need for migration control with the obligation to protect human rights, especially under the non-refoulement principle. These challenges highlight the critical role of diplomacy in shaping migration policies that are not only effective but also humane.

Diplomacy is essential in ensuring that forced return is carried out with respect for migrants' rights and their safety. Through diplomatic negotiations, host countries and countries of origin can develop readmission agreements that prioritize the humane treatment of people who return, as well as cooperation on reintegration strategies. Diplomacy can also be a powerful tool in promoting alternatives to forced return, such as AVR, which offers migrants a safer, more dignified path home. However, even these alternatives require robust diplomatic frameworks to ensure they are genuinely voluntary and not merely a way to avoid forced expulsion.

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## EDITORIAL INFORMATION

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