

**The readmission agreement between Sweden and Afghanistan: a tortuous
strategy of creating a deportation corridor to a war-torn country?**

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Abstract

Focusing on the readmission agreement between Sweden and Afghanistan, this study aims to enhance our understanding of *why* and *how* states use readmission agreements and the discourse underpinning these practices. Based on interviews with key officials working in the Swedish deportation infrastructure, the findings show that the agreement is presented as a successful measure resulting in a more predictable process and increased forced returns. The agreement is a critical technique for minimizing disruptions in the deportation corridor to Afghanistan, however, not without interruptions due to the infrastructure's reliance on many elements and the complexity of bilateral cooperation. The discursive practices, including "problem" representations and assumptions justifying the agreement, can be questioned considering that most Afghans abscond or travel to another Schengen country instead of returning. The absence of an agreement evaluation further necessitates calling the increased governmental focus on readmission agreements into question. The study contributes to deconstructing governmental rationalities through a novel methodology of studying deportation and readmission.

Key Words: Afghanistan, deportation infrastructure, deportation corridor, discourse analysis, readmission agreements

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*Will I be greeted with hospitality or rejected with hostility? Will you admit me beyond the threshold, or will you keep me waiting at the door and maybe even chase me away? Will you send me back to the land from which I am trying to escape?*¹

¹ Benhabib, Ş., Waldron, J., Honig, B., Kymlicka, W. & Post, R, 'Another Cosmopolitanism', Oxford: Oxford University Press. 155.

1. Introduction

The intensified politicization of migration issues as a result of the so-called European refugee crisis² highlights the importance of examining states cooperation on migration and illuminating the “industry of deportation”.³ An improved return policy as a way of countering irregular migration is an expressed approach of the European Union (EU), of which readmission agreements are described to play a significant role.⁴ The forthcoming Migration and Asylum Pact shows an even greater focus on return cooperation, both within the EU and with third countries.⁵ The European Commission defines readmission as the “act by a state accepting the re-entry of an individual (own nationals, third-country nationals or stateless persons), who has been found illegally entering to, being present in or residing in another state.”⁶ Readmission agreements, on the other hand, sets out the “reciprocal obligations on the contracting parties, as well as detailed administrative and operational procedures, to facilitate the return and transit of persons who do not, or no longer fulfill the conditions of entry to, presence in or residence in the requesting state.”⁷ Readmission agreements can be argued to have become a taken-for-granted solution, while the assumptions justifying the use of them, the “problem”⁸ they are supposed to solve, and the practical use of agreements are less explored. This study addresses the issue of returning Afghan citizens from Sweden to Afghanistan, and in particular, the non-legally binding agreement governing cooperation between the two countries; The Memorandum of Understanding between the Government of Sweden and the Government of the Islamic Republic of Afghanistan on cooperation in the field of migration (hereafter the MoU), signed on October 5, 2016.⁹

The MoU was adopted at a time of revolving changes in immigration to Sweden and Swedish asylum policy. Forced returns to Afghanistan is also a controversial issue both in Sweden and

² Krzyzanowski, Michal, Triandafyllidou, Anna & Wodak, Ruth. 2018. The Mediatization and the Politicization of the ‘Refugee Crisis’ in Europe. *Journal of Immigrant & Refugee Studies* 16, p. 1.

³ Walters, William, ‘Deportation, Expulsion, and the International Police of Aliens’, *Citizenship Studies*, 6:3, 2002, p. 266.

⁴ European Commission, *On a community return policy on illegal residents*, COM/2002/0564, 2002; and European Commission, *A European Agenda on Migration*, COM(2015) 240 final, 2015.

⁵ European Commission, *On a New Pact on Migration and Asylum*, COM/2020/609 final, 2020.

⁶ European Commission, *On a community return policy on illegal residents*, appendix.

⁷ Ibid.

⁸ The reason why I mark the word “problem” with quotation marks is because it is a concept related to the poststructural perspective of this thesis, where concepts are seen as not having essential or fixed meanings but open to change.

⁹ See Appendix III.

internationally due to deteriorating security in the country. The last two years, the conflict in Afghanistan has been counted as the most dangerous in the world¹⁰ and the most fatal conflict for children five years in a row.¹¹ Notwithstanding, European countries show an increased interest in returning Afghans,¹² inter alia through the adoption of the Joint Way Forward declaration between the EU and Afghanistan.¹³ Afghan asylum seekers are also subject to different praxis regarding asylum assessments between EU Member states.¹⁴ The MoU, and the Joint Way Forward declaration, have received heavy critique from civil society organizations,¹⁵ politicians in the Swedish Parliament¹⁶ and the European Parliament,¹⁷ foremost focusing on the withdrawal from the agreements as a means to stop deportations to Afghanistan.

Researchers from various disciplines have dealt with the subject of readmission agreements through addressing (inter alia) legal dilemmas, both in regard to EUs' versus Member states' competence over readmission, and the conformity with international law and the rights of asylum-seekers and refugees.¹⁸ Moreover, the turn to non-legally binding agreements,¹⁹ the motives and incentives for third-countries to sign agreements²⁰ as well as implementational challenges have been examined.²¹ Many aspects of this emerging phenomenon are nevertheless yet to be investigated, which calls for more interdisciplinary research to better understand the impact of readmission agreements in the field of migration management.²² Above all, there is

¹⁰ Institute for Economics and Peace 'Global Peace Index: Measuring Peace In a Complex World', 2020, p. 2.

¹¹ Besheer, Margaret, 'UN: Afghanistan Is Deadliest Place for Children', *VOA*, June 15, 2020,

¹² Majidi, Nassim, 'From Forced Migration to Forced Returns in Afghanistan: Policy and Program Implications', *Migration Policy Institute*, 2017, p. 10.

¹³ Joint way forward is a declaration of joint commitment of the EU and the government of Afghanistan to enhance cooperation on irregular migration and return migration. Signed October 2, 2016.

¹⁴ European Council on Refugees and Exiles (ECRE), 'No Reasons for Returns to Afghanistan', *Policy Note#17 February* 2019, p. 1.

¹⁵ Asylkommissionen, *Skuggdirektiv från Asylkommissionen*, Linköpings Universitet and Flyktinggruppernas riksråd, 2020, p. 13.

¹⁶ Høj Larsen, Christina, *Återtagandeavtalet med Afghanistan [The readmission agreement with Afghanistan]*, Interpellation to the Swedish Minister of Justice, 2018.

¹⁷ European Parliament, *Joint motion for a resolution: on the situation in Afghanistan* (2017/2932(RSP)), 2017.

¹⁸ Panizzon, Marion, 'Readmission Agreements of EU Member states: A Case for EU Subsidiarity or Dualism?' *Refugee Survey Quarterly*, Vol. 31, No. 4, 2012; Caron, Hallee, 'Refugees, Readmission Agreements, and "Safe" Third Countries: A Recipe for Refoulement?' *Journal of Regional Security*, 12:1, 2017; and Coleman, Nils, *European Readmission Policy: Third Country Interests and Refugee Rights*, Leiden: Brill | Nijhoff, 2009.

¹⁹ Warin, Catherine & Zhekova, Zheni, 'The Joint Way Forward on migration issues between Afghanistan and the EU: EU external policy and the recourse to non-binding law', *Cambridge International Law Journal*, Vol. 6 No. 2, 2017; and Cassarino, Jean-Pierre, 'Readmission Policies in Europe', In Edward J. Mullen (ed.), *Oxford Bibliographies in Social Work*, New York: Oxford University Press, 2017.

²⁰ Cassarino, Jean-Pierre, 'Informalising Readmission Agreements in the EU Neighbourhood', *The International Spectator*, 42:2, 2007.

²¹ Carrera, Sergio, and SpringerLink (Online service), *Implementation of EU Readmission Agreements. Identity Determination Dilemmas and the Blurring of Rights*, SpringerBriefs in Law, Springer International Publishing, 2016.

²² Cassarino, *Readmission Policies in Europe*, p. 1.

an identified research gap on the institutional aspects of deportation in Sweden, including readmission agreements and the discourses underpinning these practices. This study aims to contribute to filling this research need.²³

1.1 Purpose and research questions

This case study aims to enhance our understanding of states increased use of readmission agreements and the "problems" they are supposed to solve. Through illuminating the underlying "problems", which the MoU is supposed to solve, and studying the networks of practices forming the discourse, the ambition is to better comprehend and question the rationalities²⁴ for the Swedish government to conclude readmission agreements and to advance our understanding of the infrastructure of deportation. The study is guided by the following research questions:

1. How should we understand the discourse underpinning the use of readmission agreements in Sweden?
 - a. How are the "problems" the MoU is supposed to solve represented and produced in Swedish return and deportation discourse?
 - b. Which assumptions underlie the use of readmission agreements and how are these produced?
2. How is the MoU (inter)connected with other practices in the *infrastructure of deportation*? And (how) can the concept help us studying the contingencies and function of readmission agreements?

The main material for this study is gathered through expert/elite interviews with nine officials from the Swedish Migration Agency, the Border Police, the Ministry of Justice and the transport unit at the Prison and Probation Service. The interviews are analyzed through the "What's the problem represented to be?" approach²⁵ together with the concepts "deportation corridor" and "deportation infrastructure". The concept first mentioned serves the purpose to understand how routes of deportation can be turned into corridors through various measures.²⁶ "Deportation

²³ Malm Lindberg, Henrik, 'De som inte får stanna: Att implementera återvändandepolitik', *Delegationen for migrationsstudier (DELM)*, 2020, p. 1.

²⁴ Bacchi, Carol, & Susan Goodwin, *Poststructural Policy Analysis: A Guide to Practice*. Palgrave Macmillan, 2016, p. 13–14.

²⁵ Ibid.

²⁶ Walters, William, 'Aviation as deportation infrastructure: airports, planes, and expulsion', *Journal of Ethnic and Migration Studies*, 44:16, 2018, p. 2808.

infrastructure”, on the other hand, works as a tool to discern the system of elements that facilitate deportation and the creation of deportation corridors.

1.2. Delimitations

The delimitations of this study primarily concern the lack of perspectives from Afghan authorities and individuals who are facing expulsion. Firstly, including perspectives from Afghan representatives could add alternative views on the use of the MoU, and perhaps different conceptualizations of the “problem” of deportation and readmission. Secondly, interviewing deportees could enhance our understanding of the social effects of a certain representation of the “problem” and the use of readmission agreements. On the other hand, since the focus of this study is on Swedish governmental discourse on return and readmission, this delimitation is reasonable and relevant. Another delimitation regards the analysis of one agreement, where it could be interesting to analyze several Swedish readmission agreements to compare and achieve a more comprehensive understanding of Sweden’s use of readmission agreements. However, as I will show later, the MoU is one of few bilateral agreements which is in use when we look at agreements with countries whose citizens almost exclusively seek asylum in Sweden instead of other types of permits. An examination of several agreements would also limit the qualitative depth of this study.

1.3 Outline

After a short note of terminology, the next section of the thesis provides a background to situate the MoU in its wider context, followed by a presentation and discussion of relevant previous literature. Section four present the methodology which includes the chosen theoretical framework, analytical framework and method of data collection. The following section proceeds with the analysis of the material, and section seven presents a discussion and conclusion of the results and ends with directions for further research.

1.4 Terminology

Before we proceed with the background chapter, a clarification of frequently used concepts in this study is in its place. The differences between forced, voluntary and uncompelled return are not definite and can differ across countries and on case to case basis.²⁷ I chose to use the definitions mainly referred to in Swedish law and practices.

- **Forced return** (*Tvångsutvisning/tvångsärenden*): the case is handed to the police and registered as “forced return”. Returned with force can imply that the individual sees no other alternatives than accepting to be returned with assistance from the police, or that the person does not accept to be returned and hence is returned with physical coercion.
- **Deportation**: In this study, deportation and forced return are used to describe the same type of return. However, when the interviewees are quoted, and they did not use the word “deported/deportation” (*“deporterad”*), the word is not used.
- **Uncompelled return** (*självant återvändande*): the person cooperates and returns in line with the return decision without assistance from the police and physical coercion. Uncompelled return is the term used almost exclusively at the Swedish Migration Agency’s website as well as in directives and in the interviews
- **Voluntary return** (*frivilligt återvändande*) is used very seldom when it comes to rejections of asylum applications. Instead, it is used when individuals decide by themselves to return to the country of origin before or without a rejection of an application.
- **Third country**: in this study, “third country” refers to a non-EU country.

²⁷ Gallagher, A., & David, F, ‘Return of Smuggled Migrants’, In *The International Law of Migrant Smuggling* (pp. 664-734), Cambridge: Cambridge University Press, 2014, p. 664.

2. Contextual background

2.1 Readmission agreements

States have the prerogative to expel non-citizens due to the principle of sovereignty and the right to control the composition of its population.²⁸ This right becomes effective only if the state where the alien is a citizen accepts to readmit the citizen.²⁹ Hence, readmission agreements are one tool that states use to enhance cooperation on readmission as and minimize the obstacles of removing non-citizens. For many decades, states have cooperated through bilateral agreements on crossover issues like readmission; however, these types of agreements have increased since the 1990s and now constitute an integral part of immigration control systems.³⁰ According to a study conducted by Jean-Pierre Cassarino, bilateral agreements on readmission between EU Member states and non-EU Member states have undergone a steady upward trend since 1986. Back then, the 12 members of the European Community had signed 33 agreements with non-Member states compared to more than 300 of such in 2014 among 28 EU–Member states.³¹ The EU acquired shared legal competence on migration, asylum, and return issues in conjunction with the adoption of the Amsterdam treaty in 1999.³² Hence, readmission agreements with non-EU and non-Schengen countries also figure on the EU level, so-called EU readmission agreements (EURAs). Readmission agreements sometimes include, besides citizens of the requested country, readmission of third-country nationals who have crossed the territory or lived in that state, and stateless persons.³³ Bilateral and supranational agreements between EU Member states and non-EU states exist both as formalized and legally binding agreements, so called standard readmission agreements, and as informal/non-binding agreements, also called non-standard agreements in the form of, for instance, memorandums of understanding (MoUs) or partnership/administrative agreements.³⁴ Cooperation on readmission issues is increasingly managed by non-legally binding agreements,³⁵ which the MoU is an example of. The MoU between Sweden and Afghanistan is far from the first agreement that

²⁸ Hailbronner, Kay, *Readmission agreements and the obligation on states under public international law to readmit their own and foreign nationals*, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, Band 57, 1997.

²⁹ Noll, Gregor, 'Rejected Asylum Seekers: The Problem of Return', *International Migration*, 37, 1999, p. 276.

³⁰ Cassarino, *Readmission Policies in Europe*, p. 179.

³¹ Cassarino, Jean-Pierre, 'A Reappraisal of the EU's Expanding Readmission System', *The International Spectator*, 49:4, 2014, p. 132-33.

³² Cassarino, op.cit., p. 1.

³³ Coleman, p. 14.

³⁴ Ibid, p. 180.

³⁵ Cassarino, *Informalising Readmission Agreements in the EU Neighbourhood*.

Sweden has concluded, yet, as the table shows, only a few are agreements with non-European countries.

Table 1: Bilateral agreements, Sweden³⁶

Afghanistan 2016 (MoU)	Latvia 1997
Bulgaria 1999	Lithuania 1997
Cyprus 2006	Poland 1999
Estonia 1997	Romania 2002
France 1991	Switzerland 2003
Iraq 2008 (MoU)	Slovakia 2005
Kosovo 2012	Germany 1954
Croatia 2003	Vietnam 2008

Except from the rights and obligations between states, the individual has the right to “leave any country, including his own, and to return to his country.”³⁷ The relationship between the rights and obligations between nation states and between the individual and nation states is however not straight-forward. There is no absolute right for a person to permanently leave the country of birth or citizenship due to the dependence on another country’s readiness or willingness to receive that individual. In other words, inter-state laws have come to overrule human rights law. Gregor Noll explains it followingly:

[...] The right of a state to remove non-citizens from its territory has been extrapolated to produce a duty to receive by the country of origin. If the same argumentative technique of constructing a duty as a correlate to a right was applied in the field of human rights, the right to leave would produce a duty to admit.³⁸

Despite the hierarchy of laws, states’ right to remove or return non-citizens is not unrestricted but governed by human rights instruments and customary law, for instance, the refugee convention and the principle of non-refoulment.³⁹ Some states (see for example the Spanish-Moroccan readmission agreement⁴⁰ and the Italian-Libyan agreement⁴¹) have been accused of violating the refugee convention and the principle of non-refoulment by using readmission

³⁶ Sweden has also concluded agreements with Nordic countries on “the waiver of passports at intra-Nordic frontiers”, but these are not relevant for this study.

³⁷ UN General Assembly, *Universal Declaration of Human Rights*, 10 December 1948, 217 A (III), art. 13 (2).

³⁸ Noll, p. 277.

³⁹ The principle of non-refoulment is enshrined in the Refugee Convention art. 33: “Prohibition of Expulsion or Return (“refoulement”) 1. No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.

⁴⁰ European Council on Refugees and Exiles (ECRE), *Spain illegally pushing back migrants to Morocco*, 2013.

⁴¹ Amnesty International, *Italy must sink agreements with Libya on migration control*, 2012; and United Nations High Commissioner for Refugees (UNHCR), *UNHCR deeply concerned over returns from Italy to Libya*, 2009.

agreements as an instrument to “push-back” immigrants at the border without assessing their potential asylum claims, and of sending back persons to unsafe transit countries with lacking asylum systems.⁴²

EU has created numerous directives and laws that all Member states should adhere to. One of these is the Return directive, which aims to “establish common rules concerning return, removal, use of coercive measures, detention and entry bans”,⁴³ and recognizes “that it is legitimate for Member states to return illegally staying third-country nationals, provided that fair and efficient asylum systems are in place which fully respect the principle of non-refoulment.”⁴⁴ It also emphasizes the importance of readmission agreements, at EU and national level, to achieve sustainable return.⁴⁵

2.2 Asylum and return: policies and responsible authorities in Sweden

This part is intended to briefly introduce the Swedish asylum and return system and the responsible authorities where several of the interviewees in this study work. The asylum procedure is divided into three stages, where the Migration Agency is responsible for first-instance assessments and decisions. If the applicant decides to appeal, the Migration Courts are responsible for the first appeal, and the Migration Court of Appeal tries the onward and last appeal. Explained in a simplified manner; in case an application is dismissed, the individual is called to a “return dialogue”, and if he/she accepts to be removed to the country decided by the decision, the person is still in the responsibility of the Migration Agency. The Migration Agency can offer assistance with booking flight tickets and similar practical issues. However, if the individual refuses the decision or absconds, the “case” is handed over to the Police Authority, which becomes responsible for enforcing the removal, so-called “forced return”.⁴⁶ The Migration Agency runs Swedish detention centres and rejected applicants can be detained for 12 months in waiting for expulsion. There is no upper limit for persons who also have been

⁴² Cassarino, ‘Dealing With Unbalanced Reciprocities: Cooperation on Readmission and Implications’, in J-P Cassarino (ed.) *Unbalanced Reciprocities: Cooperation on Readmission in the Euro-Mediterranean Area*, Middle East Institute Special Edition *Viewpoints*, 2010.

⁴³ European commission & the Council, *On common standards and procedures in Member states for returning illegally staying third-country nationals*, Directive 2008/115/E, preambular para. 8.

⁴⁴ Ibid., preambular para. 25.

⁴⁵ Ibid., preambular para. 7.

⁴⁶ Migration Agency, *Asylprocessen [The asylum process]*, home page.

convicted of a crime.⁴⁷ The Swedish Prison and Probation Service, on the other hand, assist the police with planning and carrying out the enforcement of forced returns.⁴⁸

The asylum laws in Sweden were before 2016 among the most generous among EU Member states.⁴⁹ Nevertheless, at the end of the turbulent year of 2015, with record-high numbers of people seeking protection, the Swedish government made a turnabout in asylum politics with the stated objective to deter refugees from seeking asylum in Sweden.⁵⁰ It proposed a temporary law restricting the possibilities for being granted residence permits, among other things making temporary permits the norm (13 months for those holding subsidiary protection and 36 months for those granted refugee statuses)⁵¹ and removing the status category “others in need of protection”. Only refugees who come to Sweden through the resettlement program are granted permanent residence permits at arrival. These, among other restrictions, were implemented in July 2016 as the temporary law and lowered Swedish standards to an EU minimum level. The law remains valid until July 2021 when planned to be replaced by a new Alien act.⁵² The temporary law has been immensely criticized for causing mental illness and integration barriers when only temporary permits are issued and limiting the right to family reunification. However, an amendment in 2019 slightly increased the possibilities for reunification for those with subsidiary protection. It has also been questioned if the law was the main factor contributing to the decrease of asylum seekers coming to Sweden in the following years, thus not fulfilling the objective of the law.⁵³ Later in 2016, the Law on Reception of Asylum Seekers and Others was changed, withdrawing the right to daily allowance and housing paid by the Migration Agency for rejected asylum seekers. Families with children were exempted and are still entitled to assistance until the day they leave Sweden.⁵⁴

⁴⁷ *Frågor och svar om verkställighet*, [Questions and answers about enforcement] Swedish Policy Authority home page.

⁴⁸ Ibid.

⁴⁹ Tanner, Arno, ‘Overwhelmed by Refugee Flows, Scandinavia Tempers its Warm Welcome’ Migration Policy, Tempers its Warm Welcome. FEBRUARY 10, 2016.

⁵⁰ Prime minister’s office, *Government proposes measures to create respite for Swedish refugee reception*, 2015.

⁵¹ Lag (2016:752) om tillfälliga begränsningar av möjligheten att få uppehållstillstånd i Sverige. Para § 5. [Law on temporary limitations to the Aliens Act]

⁵² , Proposition. 2018/19:128.

⁵³ Swedish Refugee Law Center, *Migrationsrättens framtid*, 2018; and The Swedish Red Cross, *Humanitära konsekvenser av den tillfälliga lagen*.

⁵⁴ Lag (1994:137) om mottagande av asylsökande m.fl. Para. 11§ (Act on the reception of asylum seekers among others.)

A so-called “regularization” law (regulariseringsbeslut) was implemented in June 2018 to give a group of unaccompanied minors temporary residence permits on the ground of secondary school studies, and subsequently, the possibility to apply for permanent permits because of work instead of asylum. The law was supposed to function as a compensation for those who had sought asylum before the Temporary Law was announced, 24 of November 2015, and had to wait at least 15 months for an asylum assessment at the Migration Agency. Also, during that time turned 18 years or had their aged assessed to be 18 by the Migration Agency. Since being assessed as an adult lowers the chances of obtaining a residence permit, the “new secondary school law” was presented to right the wrongs.⁵⁵ However, harsh interpretations of the law and difficulties in finding a fulltime employment in six months have led to critique towards the law.⁵⁶

2.3 Afghan asylum seekers: approval and return rates

As shown in the diagram below, the number of Afghan asylum seekers peaked in 2015, making up a large percent of the 163 000 individuals seeking asylum in Sweden that year. Moreover, a third of the unaccompanied minors who sought asylum the same year were Afghan nationals.⁵⁷ The Swedish Migration Agency’s assessment of Afghan asylum seekers has fluctuated over the years. Until 2015, Sweden had a similar level of positive asylum decisions compared to the EU.⁵⁸ However, from 2015 and onwards, Sweden has been considerably stricter than the EU average in granting Afghan asylum seekers protection. For instance, in 2018, the asylum approval rate for Afghans in Sweden was 32%, compared to 51% in Germany and 98% in Italy.⁵⁹

⁵⁵ Finansutskottets bet 2017/18:FiU49, *Extra ändringsbudget för 2018 - Ny möjlighet till uppehållstillstånd [Finance committee: Extra amendment budget for 2018 – Ny possibility for residence permits]*

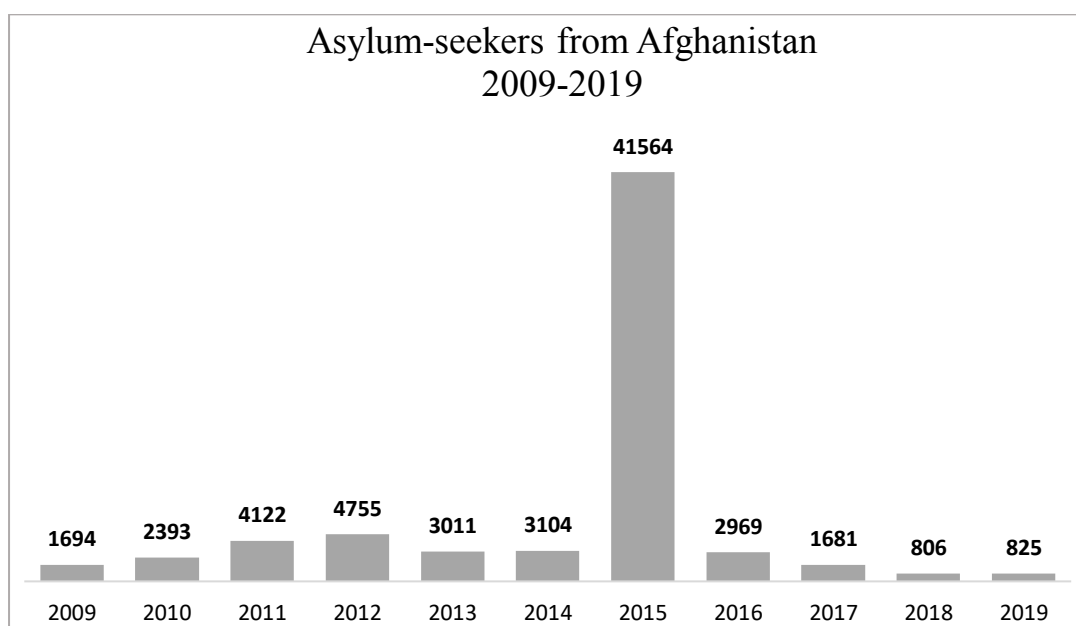
⁵⁶ Sveriges Kommuner och Regioner (SKR), Skrivelse till Regeringen 2019-10-02.

⁵⁷ Statistics of Sweden (SCB): *Det stora antalet asylsökande under 2015 ökade inte flyktinginvandringen nämnvärt*, 2016.

⁵⁸ Parusel, Bernd & Schneider Jan, ‘Reforming the Common European Asylum System: Responsibility-sharing and the harmonisation of asylum outcomes’, *Delmi*. Report 2017:9, p. 8; and: ECRE, ‘No Reasons for Returns to Afghanistan’, p. 1.

⁵⁹ ECRE, ‘To dublin or not to Dublin?’, p. 2.

Table 2: 2009–2019 asylum seekers of Afghan origin, Sweden

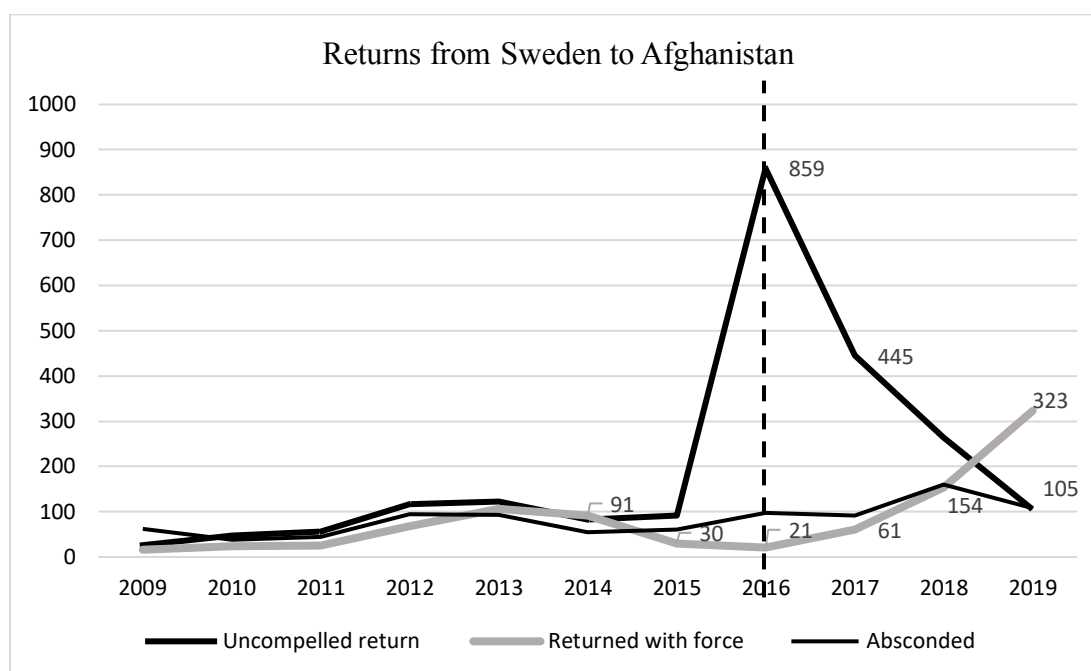


Source: Statistics of Sweden (SCB). Author's own compilation.

The graph below shows the Migration Agency's numbers of how many Afghans returned uncompelled, with force or absconded each year from 2009 to 2019. Afghans who have left Sweden but travelled to another country than Afghanistan are not included in this statistic, neither are Dublin cases nor cases that have been written off. I chose to show the numbers from the Migration Agency since the data contains different categories stretching many years back compared to the Police Authority who only could provide data on executed forced returns of Afghans from 2016. However, their data differs slightly from the Migration Agency. The numbers provided by the Police Authority shows 34 forced returns in 2016, 86 in 2017, 194 in 2018 and 384 in 2019.⁶⁰ These differences indicate we cannot entirely rely on that the chart represents the correct number of individuals. Having said that, in the statistics from the Migration Agency, only 26 of 919 forced returnees from 2009 to 2019 were under 18 years old, with a peak in 2014 with 14 forced returns of minors.

⁶⁰ Email correspondence with the Police Authority.

Table 3: 2009–2019 returns from Sweden to Afghanistan



The vertical line indicates when the MoU was adopted.

Source: Statistics provided by the Swedish Migration Agency. Author's own compilation.

3. Previous research

This chapter is dedicated to display and discuss previous research pertaining to the study at hand. It introduces the field of deportation studies, and while acknowledging the uttermost important research contributions about the human consequences of deportation,⁶¹ this overview instead focuses more narrowly on governmental practices. The chapter proceeds to present the state of the art within the sub-field of bilateral and multilateral readmission agreements in the European context. The chapter continues with an overview of how scholars have approached and understood states' deportation regimes and corridors. Lastly, the chapter gives a summary of the contributions and gaps in the academic literature.

Deportation studies are an expanding subfield of migration and security studies, where the term “deportation turn”⁶² is widely used to capture the increased capacities and actions taken by states to control the movement of people.⁶³ Along the same line, Walters claims that a governmentalization of deportation has taken form during the 19th century and that states are “obsessed with the need to ‘tighten up’ their deportation and repatriation policies”,⁶⁴ with the intention to uphold the “integrity of their immigration and asylum systems.”⁶⁵ Moreover, states want to avoid the impression of a loose and generous system which is believed to lead to a mass influx of asylum seekers.⁶⁶ Another sign of governmentalization, Walters argue, is that states try to make their systems more effective and increase deportation rates by comparing practices with other states.⁶⁷ Walters also makes the inference that deportation is a requisite for upholding the international order and “the modern regime of citizenship”.⁶⁸ One supporting argument for this is that immunity from deportation is often one of few remaining rights distinguishing citizens from settled non-citizens in modern liberal societies.⁶⁹ While acknowledging the

⁶¹ See: Peutz, & De Genova; DeBono, Daniela & Ronnqvist, Sofia & Magnusson, Karin, *Humane and Dignified? Migrants' Experiences of Living in a 'State of Deportability' in Sweden*, 2015; and Cassarino, ‘Theorising Return Migration: The Conceptual Approach to Return Migrants Revisited’. *International Journal on Multicultural Societies*, UNESCO, 2004, 6 (2), 2009.

⁶² Gibney, M.J, ‘Asylum and the expansion of deportation in the United Kingdom’, *Government and opposition*, 43 (2), 2008.

⁶³ Drotbohm, H., & Hasselberg I, ‘Editorial Introduction to Deportation, Anxiety, Justice: New Ethnographic Perspectives’, *Journal of Ethnic and Migration Studies*, 41(4), 2015, p. 552.

⁶⁴ Walters, *Deportation, Expulsion, and the International Police of Aliens*, p. 280.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Ibid. p. 288.

⁶⁹ Anderson, Bridget, Gibney, Matthew J & Paoletti Emanuela, ‘Citizenship, deportation and the boundaries of belonging’, *Citizenship Studies*, 15:5, 2011, p. 548.

plethora of measures taken by states to remove non-citizens from their territories, the question of how readmission agreements fit into states' return and deportation practices is the key focus of this study.

3.1 Readmission agreements: effectiveness, human rights and informality

One of the contributions of critically examining EU's rationale for concluding readmission agreements and implementation challenges is Sergio Carrera's study from 2016. First of all, Carrera acknowledges the lack of transparency and accountability of how readmission agreements are implemented and used in practice.⁷⁰ Likewise, he points to the difficulties of measuring the effectiveness of readmission agreements because of the lack of detailed statistics of expulsions from Member states. Hence, he mentions, that "little is known about EURA's operability, uses and effects on the ground"⁷¹ which illustrates the obscure character of readmission policy within the EU. Nevertheless, given that the key priority of the EU and its Member states alike is to increase expulsion rates, readmission agreements are used when they are calculated to "add value" to the EU Member states bilateral negotiations and expulsion practices".⁷² This key priority risks overshadowing the commitment by states and the EU to ensure the human rights of individuals and beds for what Carrera calls the "blurring of rights".⁷³ Despite having agreements, Carrera claims that the identity determination process continues to be an obstacle for EU Member states to carry out returns. Readmission agreements anticipate several rules and identity documents to be used when deciding a person's nationality, but which, according to Carrera, "do not constitute irrefutable or complete proof of the nationality of the person."⁷⁴ Carrera illustrates this practical challenge by pointing to the trespassing of the third country's sovereign right of deciding which proof of nationality or identity should be applied to determine nationality.⁷⁵

Whereas Carrera shows the risks and challenges with implementation of readmission agreements, other scholars focus on the compatibility of the *text* of EU's or Member states' readmission agreements with human rights and refugee law. Nils Coleman and Mariagiulia

⁷⁰ Carrera, p. 37.

⁷¹ Ibid., p. 2.

⁷² Ibid., p. 37.

⁷³ Ibid., p. 65.

⁷⁴ Ibid., p. 64.

⁷⁵ Ibid.

Giuffré conclude in two different studies that there are no such issues of incompatibility.⁷⁶ The agreements are, Giuffré holds, “purely administrative tools used to articulate the procedures for a smooth return of irregular migrants and rejected refugees.”⁷⁷ Application of the agreements comes after expulsion decisions, which, regardless of agreements, should always be taken following international and EU law. She also concludes that human rights procedural safeguards included in agreements are, at their highest, complementary to already well-established human rights laws and EU law asylum procedures. States’ compliance with already existing human rights norms is, in other words, more important as safeguards for rejected asylum seekers than compliance with readmission agreements.⁷⁸ Worth repeating here is that Coleman and Giuffré focus on the text content of readmission agreements and only theoretically tackle the *practical effects* of these agreements. Giuffré postulates that studies of the actual implementation of agreements cannot be ruled out to disclose divergences from human rights obligations. Situations of inconsistency, Giuffré suggests, would be likely to occur foremost during massive arrivals of migrants and refugees, and if informal border controls are employed.⁷⁹

One of the few studies tackling readmission agreements in a Nordic country is Maja Janmyr’s investigation of Norway’s readmission agreements with Ethiopia and Iraq.⁸⁰ Although Janmyr approaches the issue from a policy “effectiveness” perspective – a different focus then of this study – it is an interesting illustration of states’ rationalities of using readmission agreements and assumptions of their functionality because, as of 2014, Norway was one of the countries with the highest number of readmission agreements in Europe.⁸¹ Janmyr questions the Norwegian government’s assumptions that readmission agreements contribute to increasing forced and voluntary returns, and reduce the inflow of asylum seekers. By analyzing statistics and interviews with officials, researchers, and NGOs, she confutes these assumptions by showing the unsuccessful outcome of the Ethiopian agreement, with no increase of forced returns, and increased numbers of asylum applicants since adopting the agreement. Forced and voluntary returns to Iraq, on the other, increased the first years after adopting the agreement but

⁷⁶ Giuffré, Mariagiulia. ‘Readmission agreements and refugee rights – From a critique to a proposal’, *Refugee Survey Quarterly*, Vol. 32, No. 3, 2013, p. 87; and Coleman, p. 325.

⁷⁷ Giuffré, p. 81.

⁷⁸ Ibid., p. 111.

⁷⁹ Ibid., p. 110.

⁸⁰ Janmyr, Maja, ‘The Effectiveness of Norway’s Readmission Agreements with Iraq and Ethiopia’, *International Migration*, 54 (4), 2020.

⁸¹ Ibid., p. 5.

halted after that. Janmyr points to the many factors outside the Norwegian government's control when explaining the obstacles for controlling asylum flows and increasing returns through readmission agreements, primarily; the political turmoil and security situation in Ethiopia and Iraq, as well as the fluctuated quality of bilateral relations between Iraq and Norway.⁸²

Within the current debate, researchers agree that good relations between the EU, its Member states, and third countries are essential for implementing readmission agreements. Coleman concludes that the quality of bilateral relations, the goodwill of the requested state and eventual benefits provided in exchange, are equally, or probably more, important as the agreements' technical content.⁸³ In addition to this, Cassarino rightfully reminds us that cooperation on readmission between two contracting parties is characterized by "unbalanced reciprocities",⁸⁴ in other words, asymmetric benefits and costs. A common argument among states, according to Cassarino, is that informal agreements promote third countries' cooperation on readmission. Moreover, these arrangements are often "embedded in a strategic framework of bilateral cooperation"⁸⁵ including police cooperation, trade, entry visa facilitations and development aid.⁸⁶ It is against this background that we can understand the EU and its Member states' increased use of non-legally binding readmission agreements, and why "the operability of the cooperation on readmission has been prioritized over its formalisation".⁸⁷

One such informal EU readmission arrangement is the Joint way Forward declaration between EU and Afghanistan (JWF). Catherine Warin and Zheni Zhekova point to the lack of transparency and accountability regarding negotiation and implementation of the non-legally binding readmission agreement. The adoption of the JWF, it is argued, was connected and possibly conditional to EU development funds to Afghanistan 2017-2020 (the Cooperation Agreement on Partnership and Development) and "to the outcome of an EU co-hosted Brussels Conference on Afghanistan in October 2016".⁸⁸ Non-binding instruments also circumvent the treaty-procedure outlined in the Treaty of the functioning of the EU, and "allows for mitigation of the legal, procedural and political constraints specific to each party."⁸⁹ This study draws

⁸² Ibid, p.13–14.

⁸³ Coleman, p. 314.

⁸⁴ Cassarino, *Dealing With Unbalanced Reciprocities*, p. 2.

⁸⁵ Cassarino, *Informalising Readmission Agreements in the EU Neighbourhood*, p. 186.

⁸⁶ Ibid. p. 183 & 186.

⁸⁷ Ibid. 192.

⁸⁸ Warin, & Zhekova, p. 144–145.

⁸⁹ Ibid, p. 152–153.

attention to the obscurity of which part of the EU negotiated the JWF, and the minimal to non-existent involvement of the parliament in supervising the negotiation and implementation, which accordingly have implications for democratic legitimacy and the allocation of powers within the EU.⁹⁰ Warin and Zhekova also argue that it cannot be dismissed that the JWF signals to Member states that Afghanistan should be considered a "safe country", which in turn affect asylum assessments.⁹¹ However, the authors do not give any specific evidence or argument for this to occur.

3.2 Deportation regimes and corridors

This section takes a broader perspective on how scholars have understood states' deportation measures and apparatuses, primarily focusing on Sweden. A recurrent concept in deportation studies is "deportation regime", proclaimed by Putz and DeGenova, which holds that states have well-ordered deportation apparatuses.⁹² However, this notion of a unified deportation regime has been criticized and revised. Walters problematizes the concept by arguing for cautiousness when making assumptions about deportation regimes or infrastructures, writing that "the specific properties and the qualities of a given infrastructure are always an empirical question."⁹³ Leerkes and Von Houte challenge the idea of deportation regime by proposing four ideal-typical post-arrival enforcement regimes: thin, thick, targeted and hampered. The type of regime applied to a particular state is dependent on that specific state's enforcement interest and enforcement capacity.⁹⁴ Leerkes and Von Houte propose that Sweden leans towards the "targeted enforcement regime" with a high capacity to enforce returns but where the rate of assisted voluntary returns (AVR) is much higher than forced returns. A couple of factors are identified to pressure or attract migrants to accepting voluntary returns, for example, Sweden's "focus on human rights and legitimacy, along with generous AVR packages".⁹⁵ However, the authors write that they cannot see any connection between forced and voluntary returns due to the low rate of forced returns. A "targeted" regime stands out from more "thick" regimes because it entails that some categories of migrants are given the opportunity to "track switching" (to attain a work permit instead of asylum if certain conditions are fulfilled) and

⁹⁰ Ibid, p.158.

⁹¹ Ibid, p. 155.

⁹² Putz, N., & De Genova N, 'Introduction', In N. De Genova and N. Peutz (eds.), *The Deportation Regime. Sovereignty, Space, and the Freedom of Movement*, Durham, NC: Duke University Press, 2010.

⁹³ Walters, 'Aviation as deportation infrastructure: airports, planes, and expulsion', p. 2801.

⁹⁴ Leerkes, Arjen & Van Houte, Marieke. 2020. *Beyond the deportation regime: differential state interests and capacities in dealing with (non-) deportability in Europe*. Citizenship Studies.

⁹⁵ Ibid, p. 14.

other “formal toleration policies.”⁹⁶ When referring to “thick enforcement regimes”, where Norway is placed, the existence of bilateral readmission agreements, good bilateral and interpersonal relations with countries of origin are mentioned as important contributors to the relatively high level of forced returns.⁹⁷ Their study's main takeaway is that states’ approaches to deportation should be studied in junction with non-deportation policies since they are likely to influence each other and lower versus increasing incentives for return.⁹⁸ This study serves as an important springboard for theoretical insights on variations in states approaches to deportation, capacities to enforcement, and the interplay of non-deportation policies. However, multiple-case comparative studies tend to prioritize similarities and differences, resulting in shallower context-specific knowledge,⁹⁹ which is evident also in this study.

A research report conducted by the Migration Studies Delegation (DELMi),¹⁰⁰ poses the question “why is there such a large discrepancy between goals and outcomes in the area of return policy?”¹⁰¹ In contrast to Leerkers and Von Houste’s comments on the Swedish post-arrival enforcement regime, the DELMi report points to the “conflicting values” of effectiveness, humanitarianism and legal certainty in return policies, including “track-switching” and toleration policies. These “conflicting values” are used to explain why the outcomes do not meet the stated policy objectives. The report’s policy recommendations allude to what Leerkers and Von House would call a “thicker” return regime, where a de-prioritization of legal certainty and humanitarianism is proposed in favor of time efficiency and an adjustment of return policies to be more in line with Sweden’s restrictive migration policies.¹⁰² There are several aspects that are missing in this study in order to comprehend the reasons behind irregular stays in Sweden. For example, an examination of the impact of readmission agreements and practical impediments to enforcement. Nor does it mention the risks of deprioritizing humanitarian safeguards in the return process.

Other scholars, such as Walters and Martin Lemberg Pederson, zoom in on specific parts of states deportation systems. Walters aims to expand deportation studies to also include *how*

⁹⁶ Ibid, p. 14.

⁹⁷ Ibid, p. 12.

⁹⁸ Ibid, p. 16.

⁹⁹ Bryman, Alan, *Social Research Methods*, Oxford: Oxford University Press, 2012, p. 75.

¹⁰⁰ Delmi is an independent committee conducting studies to be used as basis for Swedish migration policies and public debate.

¹⁰¹ Malm Lindberg, *De som inte får stanna: Att implementera återvändandepolitik*.

¹⁰² Ibid, p. 135–136.

deportees are transferred through studying the complex infrastructure of material, social and regulatory elements which facilitates deportation. Specifically showing how aviation in form of chartered return operations and European Joint Return Operations are prominent parts of the deportation infrastructure, Walters draw attention to the mutability of infrastructures and new ways of thinking of borders. First, a deportation infrastructure is dependent on numerous actors: commercial flights corporations, state officials, and so on, which increase the ways it is sensitive for change and disruptions. Second, although power relations between deportees and states are highly asymmetrical, he argues that increased understanding of the logistics and infrastructure of deportation can “utilise strategic positions when they [deportees] exploit opportunities to disrupt finely tuned ecologies of air travel.”¹⁰³ Martin Lemberg-Pedersen, on the other and, shows how Nordic countries attempt to create or tighten deportation corridors to Afghanistan goes beyond the adoption of restrictive policies or readmission agreements. Studying the European Return Platform for Unaccompanied Minors (ERPUM) project, the first EU project trying to organize deportation of unaccompanied minors in 2011-2014 with Sweden, Denmark and Norway as three front proponents, Lemberg-Pedersen argues that the ERPUM is an illustrative case of attempts to create a deportation corridor. The ambitions of the project, which nevertheless “failed” to deport unaccompanied minors to Afghanistan, have been transferred into other instruments such as the Joint way forward declaration between the EU and Afghanistan.¹⁰⁴ Lemberg-Pederson further applies a normative and ethical approach to the case and focuses on nationalistic arguments *for* deportation. The credibility argument relies on the legitimacy of asylum systems:

If people are not granted protection, they must leave, and if they do not leave, the very idea of having a system that grants states the discretion to distinguish between legitimate and illegitimate claimants in the first place becomes pointless. Therefore, deportation corridors are necessary to preserve a credible asylum system.¹⁰⁵

Lemberg-Pederson reassesses the argument by pointing to the potential arbitrary and immoral refugee determination made by states, be it because of unfair “domination” or institutional constraints, giving the example of divergences between EU Member states’ recognition rates of Afghan asylum seekers.¹⁰⁶

¹⁰³ Ibid, p. 2797.

¹⁰⁴ Lemberg-Pedersen, Martin, ‘The “imaginary world” of nationalistic ethics: Feasibility constraints on Nordic deportation corridors targeting unaccompanied Afghan minors’, *Etikk i praksis, Nord J Appl Ethics* 12(2), 2018.

¹⁰⁵ Ibid, p. 53.

¹⁰⁶ Ibid, p. 56.

Summary and research gaps

This research overview has displayed important contributions of analyzing the content of readmission agreements, and how states increasingly use informal agreements or arrangements to incentivize cooperation on readmission. Previous research show that the text content of readmission agreements is in line with human rights obligations. However, there is limited research and no academic consensus of the practical impacts of readmission agreements. One of the causes behind this could presumably be the concealed character of how EU Member states handle readmission issues, which, accordingly requires extensive qualitative and quantitative research.¹⁰⁷ Also, given the importance of bilateral relations and negotiations, and arguably other asylum and deportation policies in a given country,¹⁰⁸ the characteristics and impact of a readmission agreement is arguably an empirical question. Scholars have taken various approaches to enhance our understanding for the approaches and techniques taken by states to increase removal rates. However, research focusing on readmission agreements through discourse analysis and interviews with government officials, studying the problematizations inherent in these agreements, has not yet been accomplished. These questions are essential seeing the increased employment of readmission agreements within the EU and its Member states. This paper aims to contribute to filling these gaps by studying the discourse of deportation and readmission agreements in Sweden. It also seeks to intertwine the narrower study field on readmission agreements with the broader conceptualization of a state's deportation regime apparatus by applying the concepts of deportation corridor and deportation infrastructure.

¹⁰⁷ Coleman, p. 319.

¹⁰⁸ Leerkes, & Van Houte.

4. Research design and Methodology

This chapter begins with a few words on the chosen research design and continues with presenting the methodological approach which includes theory, method of analysis and method of data collection. I have chosen this structure because of the link between theory and method in discourse analysis. The “What’s the problem represented to be?” approach (hereby WPR approach) is both used as theory and as an analytical tool to analyze the material. The method of analysis and method of data collection are also connected to the theoretical concepts “deportation infrastructure” and “deportation corridor”, primarily due to the fact that the interviewees work within the deportation infrastructure

The design of this research is a case study, namely a detailed investigation and analysis of the MoU between Sweden and Afghanistan. This case is not a matter of *sui generis* in the European context, but rather representative of a trend of informal readmission agreements between EU Member states and third countries, including Afghanistan.¹⁰⁹ This type of study consequently leans towards an exemplifying case study because it “exemplifies a broader category of which it is member”.¹¹⁰ The choice of case is for the purpose of obtaining more in-depth knowledge of this type of agreement which can be, with some reservations, applicable to other cases. The case study can thus to some extent be argued to be externally valid.¹¹¹ However, the findings of this case study must be seen in respect to its contextuality, namely the Swedish context; national laws, institutional systems and bilateral relations. Whereas some of these specificities are applicable to other Swedish readmission agreements only, the general findings on why and how readmission agreements are interrelated with deportation discourses and its underlying problem representations, can be used as a guidance to undertake studies on similar cases in other geographical sites. In other words, the case gives an opportunity to illustrate the links between states’ use of bilateral readmission agreements and discourses on deportation.¹¹²

¹⁰⁹ See lists of countries’ readmission agreements: Jean-Pierre Cassarino, “Inventory of the bilateral agreements linked to readmission”.

¹¹⁰ Bryman, p. 70.

¹¹¹ Ibid, p. 47.

¹¹² Op.cit.

4.1 Poststructuralist theory and the WPR approach

This case study examines a policy, the MoU, through Carol Bacchi's WPR approach which focuses on critically examining problematizations and representations in policies.¹¹³ In this approach, policies and hence governmental practices are understood as relying on particular problematizations, and "problems" are thus being constructed and produced by governments to *shape the action of subjects*. The task of the researcher is to scrutinize policies and make the producing of "problem" representations visible, and to open up for alternative representations which survives at the margins of a discourse.¹¹⁴ This focus on "problematization" stands in contrast to a "problem-solving" analysis, widely used in political science where the goal is to find a shared problematization and a common solution to that "problem".¹¹⁵ Another way of describing the WPR approach is through seeing policies as answers to a set of questions, and to illuminate these questions which policies try to answer.¹¹⁶ In this study, the WPR approach is used both as a theoretical lens, with its Foucauldian poststructuralist premises, and as an analytical tool to reconstruct the discourse.

Poststructuralism holds, in general terms, that the social world consists of a plurality of practices, and that the "realities we live in are contingent, open to challenge and change".¹¹⁷ This theory assumes a relativist ontological stance, meaning that multiple truths about what belongs to the real exist and are relative to the conceptual frameworks used to collect and analyze data.¹¹⁸ Notwithstanding, in this study it is acknowledged that the important debate is not on "the various grounds of access to knowledge" but to focus on the practices that construct "realities". In line with Bacchi and Bonham's understanding of Foucault's discourse theory, the focus is not the distinction between language and the material but rather on "how politics is always involved in the characterization and experience of 'the real'".¹¹⁹ This perception of the social reality(ies) underpins the WPR approach, thus treating "problem" representations as constructions instead of objective entities.

¹¹³ Bacchi & Goodwin, p. 13.

¹¹⁴ Ibid, p. 13–14.

¹¹⁵ Ibid, p. 59–60.

¹¹⁶ Ibid, p. 2.

¹¹⁷ Ibid, p. 4.

¹¹⁸ 6, Perri., & Bellamy, Christine, *Principles of Methodology: Research Design in Social Science*, SAGE Publications Ltd. 2012, p. 55.

¹¹⁹ Bacchi, Carol & Bonham Jennifer, 'Reclaiming discursive practices as an analytic focus: Political implications'. *Foucault Studies*, No. 17, 2014, p. 176.

4.1.2. Key concepts in the WPR approach

The following concepts are applied in the study to illuminate how particular representations of deportation and readmission agreements are produced and legitimized: *governmental rationalities* and *technologies*, *discourse(s)*, *practices*, *discursive practices* and *power*. Understanding the concepts is fundamental to applying the set of guiding questions integrated into the WPR approach, presented in section 5.3.¹²⁰

In the WPR approach, the concept “governmentality” plays an important role in understanding democratic states’ form of governing migration issues in combining liberal modes with disciplinary forms of governing.¹²¹ Crucial in a “governmentality” perspective of governance is studying *governmental rationalities* and *technologies*, concepts which are applied in this study. *Governmental rationalities* encompass the ideas produced to “justify particular forms of rule”,¹²² through knowledge, expertise, and strategies, to make practices apprehensible and realizable for those performing and those governed by these practices. *Governmental technologies*, on the other hand, cover the mechanisms and instruments used to achieve set goals and to govern and shape the behavior of populations and groups, for example through political vocabulary, censuses or policies.¹²³ The question asked in this study is which *rationalities* do the technologies of deportation, and specifically readmission agreements, reflect in Sweden? This is examined through a discourse analysis.

Discourse is a widely used term taking various meanings, often engaging with linguistics as language is seen as constitutive for creating reality and truth. This linguistic focus has, however, received critique for undermining the political and material dimension of the studied phenomenon.¹²⁴ The approach in this study takes on a different perspective, where, as mentioned earlier, political practice is at the core of the emergence and operation of *discourse*. Hence, *discourse* is understood as *knowledge* which is shaped through political practice (which includes but is not limited to language) and constitutes what is accepted as the “truth”.¹²⁵ *Knowledge*, also called *assumptions*, about a given phenomenon is a prerequisite for forming discourses in a particular period of time, and “for this or that enunciation to be formulated”.¹²⁶

¹²⁰ Bacchi & Goodwin, p. 4.

¹²¹ Walters, *Deportation, Expulsion, and the International Police of Aliens*, p. 281.

¹²² Ibid, p. 42.

¹²³ Ibid, p. 44.

¹²⁴ Bacchi & Bonham, p. 174–175.

¹²⁵ Ibid, p. 176.

¹²⁶ Bacchi & Goodwin., p. 35–36.

Practices, on the other hand, are the things being said and done, which partly are enabled by a discourse but also perpetuate this discourse. This study aims to examine how *practices* are interconnected and forming networks, and what *knowledge* is involved in constructing the possibilities for what can be said and done in the area of readmission and deportation. Jointly, these relations, procedures and networks producing *knowledge* are called *discursive practices*.¹²⁷ The term *power* is essential to discuss here in relation to discourse and practices since it diverges from the conventional and interpretivist meaning of power as only centered around powerful elites and their possession of power over non-powerful groups. Instead, from a poststructuralist account, *power* is understood as relational and productive, “[...] In fact, power produces; it produces reality; it produces domains of objects and rituals of truth” and “make things come into existence”.¹²⁸ How problematizations are presented, then, emerge from practices and not directly from “people as agents”.¹²⁹ Hence, focusing on the plural practices which produce “truths” about “problems”, “objects” and “subjects”, we can recognize the “micro-physics of power” involved in the making of “things”.¹³⁰

The WPR approach is used in this study to interrogate how “problems” and “solutions” are conceptualized, with the objective to dismantle their taken-for-granted status as “true” and fixed “objects”.¹³¹ The analysis of “objects” do not mean questioning their existence, but their “existence as fixed”¹³² and to illuminate the creation of “something” as an “object for thought”.

4.2 Conceptualizing deportation practices

The approach taken in this study zooms in on one component within the field of return and deportation measures in Sweden, namely the readmission agreement between Sweden and Afghanistan. However, the discourse on readmission agreements cannot be seen or understood in isolation from other return and deportation practices. Two concepts, “deportation infrastructure” and “deportation corridor”, are applied as additional analytical concepts to analyze the case with the aforementioned approach taken into consideration. The concepts are

¹²⁷ Ibid, p. 37.

¹²⁸ Ibid, p. 29.

¹²⁹ Bacchi, Carol, ‘Why Study Problematizations? Making Politics Visible’, *Open Journal of Political Science*, Vol.2, No.1, 2012, p. 3.

¹³⁰ Ibid, p.14.

¹³¹ Bacchi, p. 2.

¹³² Bacchi & Goodwin, p. 84.

applied to situate the *knowledge* produced about the MoU into a wider practice of return and deportation and are closely connected to the choice of method and material.

Deportation corridor, a concept coined by Drotbohm and Hasselberg, highlights the multiple dimensions and processes of return by emphasizing the linkages between transnational politics, institutional practice, and how the decision made by politicians, state officers and the police, affect the deportable and deportees.¹³³ In accordance with a poststructural perspective, this conceptualization goes beyond viewing return as a linear and static process, as merely an act of transferring a person from the country of destination to the country of origin. Instead, “it provides a transnational perspective over the ‘deportation corridor’, covering different places, sites, actors and institutions.”¹³⁴ However, a deportation corridor is not built from nothing. Something that starts as a route, with occasional practices of return can be extended to a corridor when active measures are implemented:

Routes become corridors when active measures are taken – legal, administrative, spatial, police, and so on – to give the route a degree of insulation, and to ensure that it passes through places and territories in ways that anticipate and minimise interference.¹³⁵

At first glimpse, this conceptualization of deportation policies and measures might be confused with what is often called “deportation regime”. But as mentioned in the section on previous research, “deportation regime” refers to a solid, well-ordered deportation apparatus,¹³⁶ and tells little about concrete measures, how they relate to each other and their mutability. In turn, the concept “deportation infrastructure” is applied which refers to an interactive structure where different components pertain to one and other. Walters defines it as: “the systematically interlinked technologies, institutions and actors that facilitate and condition the forced movement of persons who are subject to deportation measures, or the threat of deportation.”¹³⁷ The infrastructure of deportation involves, among others, hardware such as detention facilities, aviation, and also “social, legal, and regulatory elements which interact with and mediate such hardware.”¹³⁸ Walters holds that the perspective of infrastructure “makes no a priori

¹³³ Drotbohm & Hasselberg, *Editorial Introduction to Deportation, Anxiety, Justice: New Ethnographic Perspectives*.

¹³⁴ Ibid, p. 551.

¹³⁵ Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*, p. 2808.

¹³⁶ Peutz, & Genova.

¹³⁷ Op.cit, p. 2800.

¹³⁸ Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*, p. 2811.

assumptions about which actors or which places are central; any particular aspect of the infrastructure can generate insight about the wider system of power in which it operates”.¹³⁹

The notion of deportation corridor and infrastructure hence center our attention on, and places the MoU in the midst of, the interlinked mechanisms, authorities, institutions, and places that make the deportation of individuals possible – and importantly, the significance of creating and maintaining international connections between states and institutions.¹⁴⁰ Adding the concept *discursive practices*, that discourses are “sets of practices”,¹⁴¹ the notion of a deportation corridor, and the infrastructure which enables it, are understood as processes formed and produced through various *practices* and *knowledge* production. It is important to emphasize that the theoretical approach of deportation infrastructure is not an attempt to view deportation as static government control, instead it allows us to “better account for the pre-structured spaces of negotiation and how they shape border regimes.”¹⁴² Studying the interactivity – and interdependence – of hardware, social and regulatory elements, gives the opportunity to detect the mutability of infrastructure, i.e. how seemingly small struggles and changes can alter the way it operates.¹⁴³

4.3 Analytical framework

Bacchi’s WPR questions are used as a roadmap for the analysis in this thesis, in order to “identify, reconstruct, and interrogate problematizations”.¹⁴⁴ The six original questions have been reduced to four, adjusted and compiled together with the theoretical concepts of “deportation corridor” and “deportation infrastructure” to fit the purpose of this study. The original questions can be found in the source mentioned in the footnote.¹⁴⁵

Question 1: *What is the “problem” (of readmission) represented to be the in a specific policy or policies?*

The first question works as a tool to discern what “problem” representations underlie the use of the MoU. In other words, which “problems” the MoU is supposed to solve.

¹³⁹ Ibid, p. 2801.

¹⁴⁰ Ibid, p. 2802.

¹⁴¹ Bacchi & Bonham, p. 174.

¹⁴² Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*, p. 2810.

¹⁴³ Ibid, p. 2810-2811.

¹⁴⁴ Bacchi & Goodwin, p. 45.

¹⁴⁵ Bacchi & Goodwin, p. 45

Question 2: *What deep-seated presuppositions or assumptions underlie these representations of the “problem” and make the use of readmission agreements intelligible?*

The purpose of this question is to illuminate the *assumptions* or *knowledge* that are in place for these specific “problem” representations to be enunciated.

Question 3: *How have these representations of the “problem” come about, been produced and defended? Can the “problem” be conceptualized differently?*

The focus on question number three lies on investigating the connections between the discourse on readmission agreements to other policy practices of return and deportation. This question also directs attention to alternative representations.

Question 4: *What are the practical dimensions of the MoU within the deportation infrastructure and deportation corridor to Afghanistan? How can we understand mutability and disruptions in the deportation infrastructure?*

4.4 Method of data collection

The starting point for a Foucauldian poststructural analysis and the WPR approach is prescriptive texts, i.e. policy texts, which “introduce programmes of conduct”.¹⁴⁶ These texts, in this case the MoU, are “written for the purpose of offering rules, opinion, and advice on how to behave as one should”¹⁴⁷ and represents the forefront of governmental problematization. The policy text offers a point of departure, informing us on the general questions and problematizations from which to continue.¹⁴⁸ However, in order to “open up reflections on the forms of governing, and associated effects, instituted through a particular way of constituting a ‘problem’”¹⁴⁹ one needs to be familiar with a range of texts relating to the topic.¹⁵⁰ Due to the lack of other officially published texts on Sweden’s readmission agreements I decided to create new material through interviews with people working with return and deportation in Sweden. Interviews and transcripts can, according to Bacchi and Goodwin, also function as prescriptive texts.¹⁵¹ Since I was interested in studying *why*, i.e. studying the problem representations, and

¹⁴⁶ Ibid, p. 34.

¹⁴⁷ Ibid.

¹⁴⁸ Ibid, p. 34.

¹⁴⁹ Ibid, p.18.

¹⁵⁰ Ibid, p. 18.

¹⁵¹ Ibid, p. 115.

how the Swedish State uses the informal readmission agreement with Afghanistan, the obvious interview candidates were officials working in different parts of the deportation infrastructure. A share of the material also consists of written material such as government reports and documents, laws and directives at both Swedish and EU level. The combination of the policy document, interview material, and written material contribute to the depth of analysis because the information from different sources can be compared and validated, which in turn increases the credibility of the study.¹⁵²

4.4.1 Expert/elite interviewing

The so-called expert/elite interview is a widely used method in social sciences. However, only a few authors have developed specific guidelines on how these interviews differentiate from other forms of interviews. To start with, for methodological reasons it is meaningful to distinguish between “non-experts” and “experts” in regard to level of influence a person has in defining knowledge in a specific policy area.¹⁵³ Beate Littig holds that the difference between an expert and other knowledgeable persons (specialists) is that the expert has to also possess a certain degree of power. To understand the power dimension and the influence of an expert’s knowledge, Littig points to two types of power: formative power and interpretive power. Formative power means “having the authority to establish socially binding definitions of problems and predetermine solutions”,¹⁵⁴ while interpretive power “describes the opportunity open to the expert to provide and establish significant terms and concepts for interpreting phenomena, for legitimizing decisions and, thus, ultimately for the social confrontation with certain phenomena.”¹⁵⁵ The definition and criteria applied in this study, inspired by Littig, is that the expert or elite is someone who 1) possesses knowledge related to his/her work, and 2) possesses an amount of power to shape conceptions of reality in his/her occupational role.

Alexander Bogner and Wolfgang Menz distinguish between three dominant forms of the expert interview and their different epistemological and methodological implications. The *exploratory expert interview* is used to gain knowledge about a new or unresearched topic, turning to experts to establish an initial understanding and orientation. The expert knowledge is thus seen as

¹⁵² Bryman, p. 390.

¹⁵³ Meuser, Michael & Nagel Ulrike, ‘The Expert Interview and Changes in Knowledge Production’, in Bogner, Alexander & Littig, Beate & Menz, Wolfgang (eds), *Interviewing Experts*, Palgrave Macmillan, 2009, p. 18.

¹⁵⁴ Littig, Beate. ‘Interviewing the Elite – Interviewing Experts: Is There a Difference?’ in Bogner, Alexander & Littig, Beate & Menz, Wolfgang (eds), *Interviewing Experts*, Palgrave Macmillan, 2009, p. 107.

¹⁵⁵ Ibid.

“contextual knowledge”. The *systemizing expert interview*, mentioned as the most popular approach, “is an attempt to obtain systematic and complete information [...]” where “the expert enlightens the researcher on ‘objective’ matters.”¹⁵⁶ The main focus is to gather “facts” from the expert as a source of information.¹⁵⁷ These two forms of expert interviews assume a positivist standpoint and objectivist understanding of generated knowledge/data and subsequent analysis.¹⁵⁸ This study takes inspiration from the third form of expert interview, by Bogner and Menz called “theory-generating expert interview”. On the contrary to the above mentioned, it focuses on the “analytic reconstruction of the subjective dimension of expert knowledge”¹⁵⁹ hence adopting a social-constructivist understanding of social reality. In the process of conducting this type of expert interview “the generation, emergence, functioning, practice, content and effect of explicit and tacit expert knowledge alike become the object of the research.”¹⁶⁰ The main purpose in this research is not to generate theory, but to study the underlying assumptions, context and rules forming the type of knowledge produced in the expert interviews “which are constitutive for the functioning of social systems”.¹⁶¹ However, because of the value of the process knowledge (how things work)¹⁶² that the interviewees possess, information not available through other methods, I will also use their practical knowledge and experiences acquired from their specific occupational positions as a means to understand the context in which they operate. Also, according to the WPR approach, all practices are of importance: knowledge, statements, instruments etc., why there is no need to differentiate between *what* the interviewees say, and the practices they are involved in in their organizations.

Power from a poststructural understanding is less focused on the agent (here the expert), and instead takes interest in the *practices* and *knowledge* that are produced through power (relations).¹⁶³ Therefore, the relation between the interviewees’ *knowledge* production combined with other sites of *knowledge* is the main unit of analysis in this research.

¹⁵⁶ Bogner, Alexander & Menz, Wolfgang. *The Theory-Generating Expert Interview: Epistemological Interest, Forms of Knowledge, Interaction*. In Bogner, Alexander & Littig, Beate & Menz, Wolfgang. (2009). *Interviewing Experts*. Palgrave Macmillan. 47.

¹⁵⁷ Ibid. 47.

¹⁵⁸ Littig, 2009. 102.

¹⁵⁹ Bogner, Alexander & Menz Wolfgang, ‘The Theory-Generating Expert Interview: Epistemological Interest, Forms of Knowledge, Interaction’, in Bogner, Alexander & Littig, Beate & Menz Wolfgang (eds), *Interviewing Experts*, Palgrave Macmillan, 2009, p. 48.

¹⁶⁰ Littig, p. 102.

¹⁶¹ Bogner & Menz, p. 48

¹⁶² Ibid, p. 52.

¹⁶³ Bacchi & Goodwin, p. 29.

Interviewing the expert or elite is however of significance in this case “because it affects practice to a significant degree”,¹⁶⁴ guides the action of other actors and thus have a socially relevant dimension. Most importantly in this research, the interviews combined can provide insights to a shared “problem” representation and how it should be solved.

4.4.2 Sampling and accessing the field

Eight qualitative expert/elite interviews¹⁶⁵ were conducted with a total of nine officials working in key positions at the Migration Agency, the Border Police, the Ministry of Justice and the transport unit at the Swedish Prison and Probation Service. The sampling is based partly on which authorities work directly with the agreement (the Ministry of Justice is the principal of the agreement, while the authorities implement and apply the agreement), and partly on the criterion that the person works with return issues to Afghanistan. The sampling process started by researching which actors are working closest with the MoU and contacting their respective departments. For some of the interviews, persons were contacted directly because I already knew about their work. For others, I was directed to certain persons through their head of department after presenting the type of research and themes I was interested in. Some of the interviewees were contacted through snowball method, meaning that an interviewee recommended a person he or she knew was knowledgeable in the field.¹⁶⁶

Three of the interviewees work at the Migration Agency; three persons at the Police Authority’s National Operations Department, Border Policing Section (where two of them participated in the same interview); two persons working at the Migration and Asylum Policy Unit at the Ministry of Justice; and one as the head of the international transport unit at the Swedish Prison and Probation Service. See table 4 for more information on the interviewees.

¹⁶⁴ Bogner & Menz, p. 54.

¹⁶⁵ I make no distinction between an expert interview and elite interview in this study because the interviewees are seen as both experts on the current issue, in terms of the area of responsibility within their institution, and at the same time as a part of the elite due to their work positions which distinguish them from persons who do not work for the state. For further discussion on when and how a distinction can be useful, see: Littig, Beate, Interviewing the Elite – Interviewing Experts: Is There a Difference? In Bogner, Alexander & Littig, Beate & Menz Wolfgang (eds), Interviewing Experts, Palgrave Macmillan, 2009.

¹⁶⁶ Bryman, p. 424.

Table 4: Information about the interviewees

	Institution and department	Occupational title	Date
Interview 1	Migration Agency <i>International Affairs Department</i>	Expert with experience from working in Afghanistan.	6/3 2020
Interview 2	Migration Agency <i>Legal Affairs Department</i>	The head of the legal department.	12/3 2020
Interview 3	Ministry of Justice <i>The Migration and Asylum Policy Unit</i>	Department secretary: responsible for asylum, return and detainment. Responsible for negotiating new readmission agreements with third countries.	27/3 2020
Interview 4	Ministry of Justice <i>The Migration and Asylum Policy Unit</i>	Official previously working with bilateral readmission agreements and currently with EURAs.	1/4 2020
Interview 5	Migration Agency <i>Digitalisation and Development Department</i>	Process leader on return issues.	31/3 2020
Interview 6	Police Authority <i>National Operations Department</i>	The head of the National Border Policing Section.	8/4 2020
Interview 7	Swedish Prison and Probation Service <i>International Transport Unit</i>	The head of the international transport unit.	9/4 2020
Interview 8	Police Authority <i>National Operations Department</i>	Embassy Liaison Officer responsible for Afghanistan, Border Policing Section.	21/4 2020
Interview 8	Police Authority <i>National Operations Department</i>	Current return liaison officer in Kabul, Afghanistan, Border Policing Section.	21/4 2020

For this research, it is imperative to mark the importance of the interviewees' occupational role, because "what gains importance is the institutional-organizational context within which the expert's position is embedded and which provides the actor with guiding principles".¹⁶⁷ Moreover, it is important to "depersonalize" the interview transcripts, because it is not "what people say" but "what people say"¹⁶⁸ that is of interest here. In other words, it is the discursive

¹⁶⁷ Meuser & Nagel, p. 35.

¹⁶⁸ Bacchi & Goodwin, p. 36.

formations that together form certain representations and not a single person's opinion or statement.

4.4.3 The interviewing process, ethical issues and topic guide

The interviews were conducted over phone, skype and one physical meeting, according to the wishes of the interviewees and the current situation of Covid-19 which limits the possibilities to travel within the country and have physical meetings. Before the interviews, I sent a letter of consent stipulating the conditions for the interview and how the material will be used and stored (see "Letter of consent" in appendix 2). The consent form also included information on that the person could withdraw their consent anytime during the process and could choose how he/she would be mentioned in the thesis: with name and occupational title, only occupational title or none of them. The letter stated that if the last alternative was chosen, the interviewee's workplace and work area would still be included because of the necessity of showing transparency of how I selected the interviewees and their relevance for the study. In the initial part of the project, when I balanced the value of generating interview data with identifiable participants and the integrity of the interviewees, I concluded to proceed to give the interviewees the opportunity to participate with names. There were two reasons for this decision. First, it increased the transparency of the purposive sampling process. Secondly, many of the interviewees held specific positions at the time of the interviews, such as the head of the National Border Policing Section. Thus, readers who wanted to know the name of some of the interviewees could find them with a Google search. However, after writing the analysis, I found that it did not add anything to the research to include the names of the five out of nine interviewees who had given their consent. As mentioned in the previous section, it is the position the person holds and her/his institutional knowledge that is valuable and not an individual's opinions—why a reveal of the names is not necessary. In conclusion, only the interviewees' work area and/or work titles are mentioned in the thesis. The interviews were also audio recorded when accepted by the interviewees. One interviewee did not want to be recorded; instead, I took notes during the interview and asked the person to pause if I needed more time to write.

In expert/elite interviews, the individual's specific answers in one interview are not the center of the analysis but the thematic units, which are similar statements and topics in the interviews combined. Comparison between the interviews are possible through the use of a topic guide,

which excludes other possible topics from the interviews.¹⁶⁹ The choice of the themes in the interview guide were inspired by the content of the MoU, preliminary theoretical standpoints, and previous research.¹⁷⁰ Since I interviewed officials and not politicians I did not want to explicitly ask them to tell me about the reasons why the MoU was concluded or evaluations of the implementation, because they are not the decisionmakers behind the MoU nor are they deciding if it should be terminated or not. Instead, I decided to focus on topics regarding how they think the MoU affects their daily work with return and deportation to Afghanistan, which provides a picture of how the “problems” of return and readmission are represented. Three of the topics concerned how the interviewees perceive that the MoU affects the realization of an effective, humane, and legally certain return process. These values are expressed to be three important but nevertheless competing values in Swedish politics of return and deportation.¹⁷¹ Two other factors considered to be crucial for implementation of readmission agreements, and in turn the readmission of third-country nationals, are good bilateral relations and the willingness of the requested state to cooperate. As mentioned, it can be more important than the content of the agreement.¹⁷² As such, bilateral cooperation as well as the informality of the agreement were also added as topics guiding the interviews. These topics worked as starting points advancing into a more open discussion of readmission agreements where the interviewees could raise issues and angles important from their perspective and position.

The interviews were transcribed word by word and sent to the interviewees for comments, correction and validation. If I had any concrete questions for clarification, I asked if the interviewee could answer them in the transcript document. The interviews were conducted in Swedish to ease the communication and use the language which the interviewees use in their everyday work. Accordingly, the passages used from the transcripts in the analysis have been translated to English by me with help from dictionaries and if needed, I also include the Swedish word in brackets. The transcripts are available in Swedish upon request. Due to the case study’s focus on discursive patterns and “problem” representations, and my limited knowledge about the MoU’s operational nature before the interviews, the process of interpreting the empirical material was flexible and relational. In other words, the process was characterized by an iterative dialogue between theory and empirical evidence where I was allowed to improve the

¹⁶⁹ Op.cit, p. 35.

¹⁷⁰ See appendix I.

¹⁷¹ Malm Lindberg, *De som inte får stanna: Att implementera återvändandepolitik*.

¹⁷² Coleman. 2009. 314.

line of theoretical inquiry according to the themes I detected when categorizing and analyzing the interviews.¹⁷³

4.4.4 Reflexivity, reliability and source criticism

In this study, expert/elite knowledge is partly understood as an *analytical construct* actualized through the interaction between the interviewer and the interviewee.¹⁷⁴ However, even if the choice of topics, my questions, position as a master student and a white female affect the outcome of the interview, I argue that the interviewees' knowledge and standpoints (embedded in an institutional setting) that are expressed in the interviews are independent of me as a researcher. The crucial point is that these standpoints and knowledge become visible through the interviews, and hence what is possible to know (read: become public) is a co-production between me as a researcher and the interviewee. Conducting expert/elite interviews also implies a meeting between an expert and a non-expert or semi-expert on the topic at hand, which, needless to say, can yield different outcomes depending on the level of preparedness of the interviewer.¹⁷⁵ Due to my familiarity with Swedish return politics, and efforts made by me and the interviewees to create good rapport, I did not find this asymmetric relationship to be an issue.

Regarding the interviews with nine state officials, it should be acknowledged that they could choose what to share and what to not share with me as a researcher, although, I did not notice any such hesitations during the interviews.¹⁷⁶ Some of the interviewees have long experience in their organization and are accustomed to answering questions to journalists and researchers. The way I approached this was by posing many follow-up questions and using other material that could confirm, complement or question their statements. I also strived to stick as accurately as possible to what was said in the interviews. By often displaying longer quotes in the analysis, I aim to show high transparency throughout the study.

Other written material is used in this study to attain a richer and more credible understanding of the practices and discourse of readmission agreements. The material includes Government appropriation directions, official information of the Government offices of Sweden, official

¹⁷³ 6 & Bellamy, p. 104.

¹⁷⁴ Littig, 2009, p. 102.

¹⁷⁵ Littig, p. 106.

¹⁷⁶ Littig, p. 105.

reports of the government or relevant authorities. The chosen sources almost exclusively come from the Swedish government, authorities, and institutions of the EU, all of which entail prioritizations, “problem” representations, and standpoints relevant for the study. Besides officials report, I was also given access to a few internal documents from the Migration Agency and the Police Authority, either through requesting official documents in accordance with the Public Access to Information and Secrecy Act or asking the interviewees for specific documents. It is important to mention that protocols and other documents from negotiations of the MoU, or potential reports on implementation, were not available for public scrutiny due to confidentiality.¹⁷⁷

¹⁷⁷ Email correspondence with the Ministry of Justice asking for official documents, 2nd of February 2020.

5. Analysis

The analysis investigates how deportation and readmission “problems” are represented and produced in the discourse of readmission agreements in Sweden, and the networks of practices interconnected with, and built around, the MoU. The first part of the analysis introduces the MoU and describes the text content in order to give a picture of the guiding principles for the cooperation on readmission between Sweden and Afghanistan. The second part, 5.2 Understanding the Politics Involved, continues with an analysis of the main “problem” representations underlying the use of readmission agreements and how these are justified based on certain *assumptions* and *rationalities*. This part also includes a contextualization of the discourse of readmission agreements with other practices of return and deportation. Moreover, the section pays attention to alternative representations at the margins of the dominant discourse. Section 6.3 examines the practical dimensions of the MoU, focusing on the enlarged infrastructure and practices involved in the attempt to create a deportation corridor to Afghanistan. It proceeds to illustrate the integrated mutability and vulnerability in this specific infrastructure and the disruptions along the making of a deportation corridor.

5.1. Introducing the MoU and its content

Sweden and Afghanistan concluded their second readmission agreement on the 5th of October 2016, after approximately a year of negotiations.¹⁷⁸ The first agreement was a tripartite MoU between Sweden, Afghanistan and UNHCR concluded in 2007, with the outlaid primacy of voluntary return but permitting forcible returns,¹⁷⁹ which nevertheless according to one of the interviewees did not fulfil its purposes.¹⁸⁰ The Swedish Government published the news about the MoU on its official website shortly after it entered into force, where it is clearly stated that Sweden concluded an agreement with Afghanistan on readmission.¹⁸¹ Such visibility of readmission agreements is not always the case,¹⁸² for example, Norway’s agreement with Iraq was withheld for public scrutiny several years.¹⁸³ Furthermore, the Swedish government has discretion on concluding international agreements, legally or non-legally binding, with

¹⁷⁸ Interview 3, department secretary, Ministry of Justice.

¹⁷⁹ High Commissioner for Refugees (UNHCR), *Tripartite Memorandum of Understanding Between the Government of the Kingdom of Sweden, the Government of the Islamic Republic of Afghanistan and the United Nations High Commissioner for Refugees*, 2007.

¹⁸⁰ Interview 6, head of the National Border Policing Section, Policy Authority.

¹⁸¹ Government Offices of Sweden, *Avtal mellan Sverige och Afghanistan om återtagande*, 2016.

¹⁸² Cassarino, *Informalising Readmission Agreements in the EU Neighborhood*, p. 186–187.

¹⁸³ Janmyr, p. 8.

exemptions from agreements that require changing a law, adopting a new law or if it deals with a policy area that should be approved by the parliament. Non-legally binding agreements does not, in addition, require a governmental decision.¹⁸⁴ Hence, the MoU bypassed approval from the Swedish parliament. Circumventing the parliament indeed saves time, but also evade control mechanisms of the parliament and potentially reduces transparency and the level of accountability.¹⁸⁵ Other scholars have raised examples of how requesting states connect readmission with international development aid (ODA) as a form of incitement for requested states to cooperate.¹⁸⁶ Whereas this is a stated strategy of the EU,¹⁸⁷ which Sweden has given its support to on EU level,¹⁸⁸ “Sweden does not want to use this on national level.”¹⁸⁹ While the interviewees deny any connecting between ODA and readmission agreements, if any other “trades” were imposed during the negotiation process of the MoU remains an open and perhaps non-answerable question due to the secrecy of documents from negotiation meetings. According to the two interviewees at the Ministry of Justice, Sweden does not apply sanctions in case of breaches of readmission agreements, regardless if the agreement is legally binding or not. Accordingly, the legal status of agreements is of less importance for Sweden’s readmission cooperation:

What makes a return agreement [sic] successful is if you have a good dialogue with the recipient country, not that they are legally bound by it. [...] Like, the EU has, in recent years, departed from these legally binding agreements quite a lot. Many third countries also find it a bit daunting to sign a legally binding agreement and find it easier to have some kind of informal agreement and we see that it is not very important, the important thing is that we have good cooperation.¹⁹⁰

As previous research suggests,¹⁹¹ informal agreements and already established cooperation in other policy areas are perceived to enable the cooperation on readmission. Afghanistan and Sweden’s bilateral cooperation dates back to the 1930’s and Afghanistan is the largest recipient of Swedish international development aid since 2013. According to the official website of the

¹⁸⁴ Ministry for Foreign Affairs, *Riktlinjer för handläggningen av ärenden om internationella överenskommelser*, Ds 2016:38, p. 10 & 13.

¹⁸⁵ Warin & Zhekova, p. 152–153, Reviglio, M, ‘Externalizing Migration Management through Soft Law: The Case of the Memorandum of Understanding between Libya and Italy’, *Global Jurist*, 20(1), 20190018, 2019, p. 3.

¹⁸⁶ Warin & Zhekova.

¹⁸⁷ Interview 1, expert at the Migration Agency.

¹⁸⁸ Interview 3, department secretary; interview 4, official, Ministry of Justice.

¹⁸⁹ Interview 4, official, Ministry of Justice.

¹⁹⁰ Interview 3, department secretary, Ministry of Justice.

¹⁹¹ Cassarino, *Readmission Agreements in the EU Neighbourhood*.

Government offices of Sweden, Sweden contributed with 8-8.5 billion SEK through the development cooperation between 2015–2019.¹⁹² While the two countries have a well-established cooperation, the expert at the Swedish Migration Agency refers to how other countries have failed to conclude readmission agreements with Afghanistan due to the lack of good bilateral relations.¹⁹³

Continuing with the content of the agreement, which sets out the foundation for how “problems” on this issue are represented.¹⁹⁴ The MoU sets out the indented scope and objectives for the cooperation as well as how a “safe, orderly and humane return process” should be implemented. The scope of the cooperation is stated to include:

[...] [A]ddressing and preventing irregular migration, return and readmission of irregular migrants, who after consideration of all relevant international laws and legal procedures cannot be granted international protection status or permit to stay as a part of overall cooperation between the Government of Sweden and the Government of Afghanistan.¹⁹⁵

This agreement covers the readmission of Afghan nationals¹⁹⁶ whose application for international protection or permit to stay in Sweden have been rejected. It also accepts the primacy of voluntary return but allows for “ordered” (read: forced) returns if individuals refuse the option of voluntary return.¹⁹⁷ It also foresees the issue of identification and travel documents, stating that a valid passport or travel document will be issued by Afghan authorities within four weeks if the individual does not already have a valid passport. Likewise, the Afghan authorities have to verify Swedish evidence of nationality of the individual within two weeks from the request and issue a travel document or passport. If these time limits are not being followed, Sweden can use the EU standard travel document for the individual to be returned.

Article 5 of the MoU points to the importance of family unity and states that Sweden makes every effort to ensure family unity and avoid involuntary separation. Article 6 is dedicated to special measures for vulnerable groups throughout the return and reintegration process. The

¹⁹² Government Offices of Sweden, *Afghanistan*, (year of publication missing).

¹⁹³ Interview 1, expert at the Migration Agency.

¹⁹⁴ Bacchi & Goodwin, p. 34.

¹⁹⁵ MoU, art. 1. See the agreement in appendix 3.

¹⁹⁶ The MoU does not mention readmission of third country nationals, i.e. persons which accordingly to the return decisions should return to Afghanistan but are nationals of another state.

¹⁹⁷ MoU, art 3.

article lacks a clear definition of “vulnerable groups”, instead it states that “in particular, measures will be taken to ensure that unaccompanied minors are not returned prior to successful tracing of family members or without specific and adequate reception and caretaking arrangements having been put in place in Afghanistan”.¹⁹⁸ In addition, the article states that:

Prior to returning Afghan Nationals, Sweden will give fair consideration to humanitarian aspect in accordance with international law to unaccompanied minors, single women and women who are head of their families, family unity, elderly and seriously sick people. Special measures will ensure that such vulnerable groups receive adequate protection, assistance and care throughout the whole process.¹⁹⁹

The issue of vulnerable groups is also mentioned in the JWF declaration with almost the exact wording,²⁰⁰ thus also lacking a full-fledged definition of who is considered a member of vulnerable groups.

Afghanistan, on the other hand, is responsible for ensuring that Afghan nationals can be returned without fearing “harassment, intimidation, persecution, discrimination, prosecution or any other punitive measures whatsoever.”²⁰¹ In addition, returnees’ freedom of choice of destination upon return is accepted by Afghanistan. The MoU also states that return can occur both with scheduled or non-scheduled flights, with a maximum of 50 individuals per flight in case of involuntary (forced) return operations. In case of non-scheduled flights, Sweden is responsible for the safety of the returnees until they land in Afghanistan. It additionally provides details on escort personnel and their carriage of an Afghan visa, and Sweden’s responsibility of providing return and reintegration assistance in accordance with national law. The last mentioned establishes that Sweden covers the cost of travel and return to Afghanistan and will “continue to consider favourable the provision of support to reconstruction, rehabilitation and reintegration projects with a view to facilitating the re-establishment of livelihoods in Afghanistan of returnees taking into account the broader reconstruction needs of Afghanistan”.²⁰² Reintegration support is available, according to Swedish law, for voluntary and uncompelled returnees (30 000 SEK for adults, 15 000 SEK for persons under 18 years and a maximum of 75 000 SEK for a family) while in-kind support through the European Return

¹⁹⁸ MoU, art. 6.

¹⁹⁹ Ibid.

²⁰⁰ JWF, Part I: 4.

²⁰¹ MoU, art. 7.

²⁰² Ibid, art. 10.

and Reintegration Network (ERRIN) program is available upon both uncompelled and forced return up to 2500 euro; however not for those sentenced to deportation.²⁰³

To facilitate and monitor the application and interpretation of the MoU and to discuss and recommend amendments, a Joint implementation group can be created if deemed necessary by the parties to where relevant organizations can be invited.²⁰⁴ Article 18 states that: “The MoU may be amended by mutual consent in writing between the participants” and article 19, that the MoU will be terminated 30 days after one or both of the participants have notified the other part of annulation in writing via diplomatic channels. At the end, it is stated that “the MoU is not intended to supersede national law, European Union law or international obligations by which the participants are bound”.²⁰⁵

5.2 Understanding the politics involved

This part of the analysis investigates the dominant “problem” representations forming the discourse of deportation and readmission to Afghanistan, and accordingly, the adoption of the MoU. In line with the WPR approach, this part also illuminates the discursive practices that construct the use of the MoU as intelligible and legitimate along with other readmission agreements.

5.2.1 “Problem” representations

A text analysis of the MoU would inform us about a commitment by two states to solve the problem of an inhumane, non-orderly and unsafe *voluntary* return process from Sweden to Afghanistan due to the focus on safety, voluntariness and omission of the word “forced”. However, when contextualized with the interview material, another “problem” representation takes form which focuses on enabling forced return through readmission. Like the official at the Ministry of Justice stresses: “The main purpose of agreements is to increase forced return. Uncompelled return must take place anyway”.²⁰⁶ Readmission of uncompelled returnees was not an “issue” with Afghanistan before 2016, neither with individuals who were sentenced to

²⁰³ Förordning (2008:778) om återetableringsstöd för vissa utlänningar [Regulation on re-establishment support for certain foreigners.]

²⁰⁴ MoU, art. 12.

²⁰⁵ MoU, art. 20.

²⁰⁶ Interview 4, official, Ministry of Justice.

expulsion through a criminal court decision.²⁰⁷ In other words, the MoU is intended for those who have not committed crimes.²⁰⁸ As we could see in the diagram over returned Afghan nationals, 16 to 91 individuals were forcibly returned every year from 2009 to 2016 – a small part of the approximately 323 deported individuals in 2019 (according to the numbers from the Migration Agency). With some reservations that this increase would only be an effect of the MoU – but also the increased immigration in 2015 and varying approval rates in regard to protection needs²⁰⁹ – the interviewees state that the agreement has enabled forced returns of non-criminally charged Afghans to a much higher degree than before 2016.

Considering the stated commitment by the parties to ensure a safe and humane return process, the agreement contains a wide range of “safeguards” against violation of the rights and safety of rejected asylum seekers. It is worth mentioning here that the decisions on which nationalities should be entitled reintegration support is independent of the MoU. According to Swedish law, the Swedish Migration Agency makes these decisions,²¹⁰ which as well are determined without regard to readmission agreements.²¹¹ However, the number of applicants for reintegration support is low; only ten percent of Afghan returnees applied for reintegration support and four percent for ERRIN in 2018.²¹² The Swedish Migration Agency writes that these figures indicate that a predominant number of Afghans consider it as a worse alternative to return with reintegration support than to travel on to another Schengen country after a negative decision.²¹³

Likewise, according to the official at the Ministry of Justice, safeguards in the agreement do not add on anything to already established norms, Swedish law or regulations. Except stipulating the commitment by Afghanistan to readmit individuals: “[we] must fill the agreements with a lot of superfluous text. But in Sweden we have legally stipulated everything that is in the agreements – even if it is printed or not, the authorities must comply [with it]”.²¹⁴ The interviewee explains that as long as the parties agree on the readmission process, and this is done accordingly to Swedish law, “it does not really matter what is written in the

²⁰⁷ Interview 1, expert at the Migration Agency; interview 8, Embassy Liaison Officer responsible for Afghanistan, Policy authority.

²⁰⁸ Interview 1, expert at the Migration Agency.

²⁰⁹ Interview 5, department secretary, Ministry of Justice.

²¹⁰ Förordning [regulation] (2008:778)

²¹¹ Interview 5, process leader on return issues, Migration Agency.

²¹² Migration Agency, *Redovisning av uppdrag 3.6 i Migrationsverkets regleringsbrev – Självmanat återvändande*, 2020, p. 7.

²¹³ Ibid, p. 7.

²¹⁴ Interview 4, official, Ministry of Justice.

agreement.”²¹⁵ The official also expressed that “it may not be so important to look at how well the agreement corresponds to reality, perhaps focus more on how other legislation works”,²¹⁶ which corresponds with Giuffr  s conclusion that states’ compliance with established legislation is more important for the safety of rejected asylum seekers than the content of, and compliance with, a readmission agreement.²¹⁷ Largely, since national law and authorities’ regulations on return and deportation procedures should be indiscriminately applied to all cases, regardless of readmission agreements,²¹⁸ non-compliance with such law is not constructed as a “problem” to be solved with MoU.

The quotes from the official show that it is considered less important what is in the text of the agreement. Interviews with the Police Authority, on the other hand, indicate that the text and the parties’ interpretations play a role in the border police’s operational work, and for the deportable individuals. Article 6 about vulnerable groups is the part that the interviewees at the Police Authority highlight as unclear, especially regarding families with children and who is considered to be seriously ill.²¹⁹ The head of the National Border Policing Section says that:

It would have been desirable for us, and perhaps also for the individuals, if there had been [...] a greater clarity about what it means. Because the EU countries and Afghanistan have slightly different perceptions. There will be quite a lot of individual interpretations for each case, which then to some extent undermines this predictability... Returnees like to see themselves as part of such a group and since it is not really clear what is a particularly vulnerable group, a feeling of uncertainty arises.²²⁰

In 2019, Swedish news reported about protests against the limbo that more than 1000 children ended up in when their families with deportation decisions could not agree to return voluntarily to the world’s most dangerous country for children, while Afghanistan does not approve forced returns of families with children.²²¹ Furthermore, Afghanistan has always been reluctant to accept deportations of families with children: “So from that perspective, the agreement is neither an improvement nor a deterioration. It is just a formalization of a relationship that was

²¹⁵ Ibid.

²¹⁶ Ibid.

²¹⁷ Giuffr  , p. 111.

²¹⁸ Interview 5, process leader on return issues, Migration Agency; interview 7, head of the international transport unit.; and interview 2, head of the legal department, Migration Agency.

²¹⁹ Interview 8, Return liaison officer, Police Authority.

²²⁰ Interview 6, head of the National Border Policing Section, Policy Authority.

²²¹ Pisoni, Johan, *  ver 1000 barn v  ntar p   utvisning till Afghanistan, Sveriges television*, 2019.

already before".²²² The difficulty for Sweden to deport families with children to Afghanistan, despite a readmission agreement, will be discussed further later in the analysis.

In the communication from the Swedish Government presenting the adoption of the MoU, it says that shorter waiting times for returnees can be expected, as well as “a more orderly and predictable process of return, both for the responsible authorities and for the individuals concerned.”²²³ This aligns with the perspective presented by the Embassy Liaison Officer responsible for Afghanistan, that “it [the MoU] makes it easier for everyone involved”.²²⁴ Through having established cooperation with Afghan authorities and a regulated process, the head of the National Border Policing Section underlines that:

[...] I would say first of all that the work is much more predictable. The agreement has enabled us to establish a working cooperation process with the relevant authorities in Afghanistan, with the Ministry for Refugees and Repatriation, with the Border Police, the Civil Aviation Agency, with the State Department and there is a process to announce who will be returned to Afghanistan, to have a dialogue on particularly vulnerable individuals. When we land we know in 99 cases out of 100 that the person will be received.²²⁵

Enhanced predictability for the authority, as claimed by the head of the border police, also implies increased predictability for the deportees: “we can communicate to the returnees, to those to be deported, with much greater clarity and credibility about what will happen. This, in turn, reduces anxiety and reduces the extent of coercion that we must use to carry out the task assigned to us by the legislator.”²²⁶ Another aspect of this “problem” representation suggests that an unregulated return process, in connection with pressure to execute deportations, increases the risk of uncertain and illegal return operations:

Before the JWF agreement, and the bilateral agreement, there was no regulation on how the return to Afghanistan would take place. [...] What I mean by that is that in an unregulated business [verksamhet], where there is pressure to do something anyway, I think there is a greater risk that those [countries] who do something do it in a way that is not legally certain.

²²² Interview 6, head of the National Border Policing Section, Police Authority

²²³ Government Offices of Sweden, *Avtal mellan Sverige och Afghanistan om återtagande*.

²²⁴ Interview 8, Embassy Liaison officer responsible for Afghanistan, Police Authority.

²²⁵ Interview 6, head of the National Border Policing Section, Policy Authority.

²²⁶ Ibid.

The department secretary at the Ministry of Justice agrees with this representation: “From my point of view, I believe that the agreement has meant a better functioning return both for the individual and for the authorities that work with it.”²²⁷

In sum, the general “problem” representations in the MoU focusing on voluntary and humane returns obscure the primary purpose of adopting readmission agreements, namely to enable forced returns. The central “problem” representations identified around return and readmission to Afghanistan, which thus formed the basis for the adoption of the MoU, were Afghanistan’s reluctance to readmit forced returnees and the lack of a regulated process hindering a predictable and more effective process. The spillover effects of having a formalized process, and knowing that forced returnees will be readmitted, are presented to increase predictability and limit the use of coercive measures. This “humanitarian” representation of deportation that swift and regulated returns in the end also benefit the deportees illustrates how the discourse pendulates between “care and control.”²²⁸ These statements also “produce” a representation of the MoU as a governmental technique that is successful. The following section illuminates the governmental rationalities that justify these “problem” representations and serves to make forced return and application of readmission agreements apprehensible.

5.2.2 Discursive practices and governmental rationalities

As with any political area, the “problem” representations of deportation and readmission are supported by presuppositions to “justify [these] particular form of rules”.²²⁹ These governmental *rationalities* are investigated in this section, which forms the discourse and makes practices realizable for those implementing the policy.

One of the most recurrent *assumptions* made in relation to forced return and readmission agreements is that Sweden needs to have a well-functioning return system to retain a legitimate asylum system; put in one of the interviewee’s words “it is a classical political slogan”.²³⁰ This *knowledge* is elucidated by the process leader at the Migration Agency:

²²⁷ Interview 3, department secretary, Ministry of Justice.

²²⁸ Lemberg-Pedersen, p. 54.

²²⁹ Bacchi and Goodwin, p. 42.

²³⁰ Interview 2, head of the legal department, Migration Agency.

If you cannot enforce a decision with force, the Swedish process is not working, not in any country [...] We are sitting on quite a few such cases, with Iraq, for example, they decide for themselves whether or not to leave the EU. And then the process of not having [...] protection grounds then you have to leave the country, leave the EU territory, does not work.²³¹

According to previous studies, this type of “credibility argument”²³² is a common argument used by states to legitimize deportation,²³³ and the Swedish case is not an exemption. However, it is clear that within this *assumption* the welfare of accepted asylum seekers is conditional on the return of rejected applicants: “If they do not return home we do not have a good system for those who are really going to stay.”²³⁴ Additionally, as stated by the department secretary: “It must work in order for us to continue to have a generous asylum system”,²³⁵ an assumption pertaining to that the possibility to give more people protection lies in the hand of the return system – and inevitably rejected asylum seekers. This *assumption* is confirmed in a government official report from 2017, where it is stated that:

[...] due to the increasing flows of refugees and migration, in order to maintain a long-term, sustainable and humane migration policy that protects the right to asylum, it has become more important than ever that those who have received a rejection or expulsion decision which has entered into force, return as soon as possible to their home country or to another country where they have the right to reside.²³⁶

The *assumption* is considerable also because the reverse argument, that a legitimate return system is based on a legitimate asylum system, is barely mentioned in the interviews and other written material which tackles readmission and return. However, as Lemberg-Pederson points out,²³⁷ a country's asylum system is not an absolute guarantee against arbitrariness and immoral decisions.

The use of readmission agreements is further un-problematized in the interviews by pointing to the “obligation under international law to receive their citizens.”²³⁸ The process leader on return issues states that the MoU is stipulating what is already evident:

²³¹ Interview 5, process leader on return issues, Migration Agency.

²³² Lemberg-Pedersen.

²³³ Walters, *Deportation, Expulsion, and the International Police of Aliens*; and Lemberg-Pedersen.

²³⁴ Interview 5, process leader on return issues, Migration Agency.

²³⁵ Interview 3, department secretary, Ministry of Justice.

²³⁶ Government Official Report (SOU) 2017:93, p. 30.

²³⁷ Lemberg-Pedersen, p. 55.

²³⁸ Interview 4, official, Ministry of Justice.

They should do that anyway, they should receive their citizens who do not have the right to stay in Sweden. It is up to us to decide, and the agreement actually stipulates something that is self-evident. [...] Because the agreement itself is not what says people should return, but our decisions.²³⁹

This *assumption*, which “presupposes the idea of citizenship as a marker of belonging within the state system”,²⁴⁰ alludes to the system of citizenship where the categories of “citizen” and “non-citizen” are more important than ties to a country, time of residence or evidence of identity. In recent years, the importance of citizenship versus the history of residence and ties to Afghanistan has shifted in the Migration Agency’s asylum assessments. The expert at the Migration Agency points to that the approval rate for Afghan unaccompanied minors was about 90% before spring 2016, which also included those who grew up in neighboring countries, but that this then changed drastically and even those who grew up in Iran began to be deported to Afghanistan. In addition, many were assessed as adults and thus for that reason could be expelled:

On the one hand, the assessment of a person who lived and had grown up in Iran changed, but above all then that we get age assessments [sic]. This meant that many were judged as adults, which meant that the approval rate went from the 90% level to very, very low levels [...] in just a few months, everything changed.²⁴¹

A sudden change in assessment guidelines for Afghan asylum seekers does not only function as a potential explanation to the increase of deportation after 2016 but also denotes the shifts in the representation of who needs protection, and when a person is obliged to return to the country of citizenship. Hence, it is shown that these representations, and “truths” about a given group, are not fixed but a result of plural practices.²⁴² *Practices* of reproducing citizenship can further be detected in the MoU, which informs that: “When Sweden has evidence of the *nationality* of the person to be returned, the afghan authorities will make every effort to verify the evidence and issue a passport or a travel document within two weeks [...]”²⁴³ (my emphasis). With reference to Carrera’s account, it is also questionable here if the EU standard travel, which Sweden may use if a “a travel document has not been issued [by Afghanistan] within these limits”²⁴⁴ actually “constitute irrefutable or complete proof of the nationality of the person.”²⁴⁵

²³⁹ Interview 5, process leader on return issues, Migration Agency.

²⁴⁰ Walters, *Deportation, Expulsion, and the International Police of Aliens*, p. 284.

²⁴¹ Interview 1, expert at the Migration Agency.

²⁴² Bacchi & Goodwin, p. 84.

²⁴³ MoU. Art. 4.

²⁴⁴ Ibid.

²⁴⁵ Carrera, p. 64.

Pertinent to this is also that the Afghan identity document, Tazkira, is sufficient by Swedish standards to decide the individual's nationality before a return but not enough to confirm a person's identity. The Tazkira is not accepted as a valid passport by the Swedish Migration Agency, nor sufficient as proof of identity when applying for Swedish citizenship²⁴⁶ and seldom as the only proof of identity in asylum processes.²⁴⁷

One more recurrent presupposition displayed in the interviews is that uncompelled return generally increases along a system of functioning forced returns. For instance, the process leader points to research conducted in other countries that she says show how readmission agreements motivate individuals to voluntarily accept return decisions.²⁴⁸ Also, in a report from the Migration Agency on uncompelled return, readmission agreements are recommended as one solution for increasing uncompelled return.²⁴⁹ Likewise, the Ministry of Justice is presented to support this connection:

In fact, it is our experience that forced return and uncompelled return are very much connected. If you do not have a functioning forced return [system], the figures for the voluntary also fall. If you have a functioning forced return [system], the figures for the voluntary tend to increase.²⁵⁰

Forced return, enabled through readmission agreements, is presented as an incentive for individuals to return uncompelled because, if they do not, they will be deported by the police.²⁵¹ However, regarding the MoU's effect on uncompelled return to Afghanistan, the interviewees see no such connection. Uncompelled return has instead decreased, as shown in the background chapter and confirmed by the interviewees. Thereto, a majority of Afghans absconds or travel to another Schengen country instead of returning to Afghanistan in with the decision.²⁵² Various explanations for this are presented by the interviewees, one of them being the "new secondary school law" which allegedly have made it more difficult for the Migration Agency to encourage uncompelled return:

This upper secondary school legislation has probably had a major impact on these figures, that it has been legislated for high school students to have an opportunity to complete their studies in Sweden. This made

²⁴⁶ Migration Agency, *Migrationsverkets bedömning av identitetsdokument*.

²⁴⁷ The Swedish Migration Appeal Board. Case number: UM 2437-13, 2014-02-11.

²⁴⁸ Interview 5, process leader on return issues, Migration Agency.

²⁴⁹ Migration Agency, *Redovisning av uppdrag 3.6 i Migrationsverkets regleringsbrev – Självmant återvändande*, p. 17.

²⁵⁰ Interview 3, department secretary, Ministry of Justice.

²⁵¹ Ibid.

²⁵² Op.cit, p. 6.

it more difficult to work for the Swedish Migration Board. Firstly, when people started talking about, or it became common knowledge that there were discussions about doing something for Afghan youth, of course, then no one returns, but then you think that I wait and see what happens. I think that's why it's dipping on Afghanistan.²⁵³

The *knowledge*, that forced return works as an incitement for uncompelled return, is reaffirmed in the majority of the interviews without considering that the agreement is causing a decrease in uncompelled return. This *assumption* can be seen as a means to make the use of readmission agreements intelligible and legitimate, primarily since it aligns with the stated primacy of uncompelled return in the Return Directive²⁵⁴ and in the MoU.

The last legitimating feature that emerges in the interviews is that the return process and readmission agreement are separated from the asylum process. Whereas Warin and Zhekova open up for the possibility of the JWF declaration influencing Member states' asylum assessments of Afghan applicants,²⁵⁵ the Swedish government is clearly signaling the contrary about the MoU on its website: "The agreement does not determine who is granted asylum or not. It is the relevant authorities, and not the government, that make an individual examination of asylum applications."²⁵⁶ The interviewees take a similar position and reject that readmission agreements are considered when assessing the safety in a country and hence applicants' asylum claims. The head of the legal department at the Migration Agency, which is responsible for conducting country information reports and judicial positions, explains that in preparing a new judicial position on Afghanistan:

This agreement is not even there, the people who work on the issues do not even think about the agreement. We are not that naïve. We know how difficult it is in Afghanistan, it is a very difficult situation. [...] The security of return has nothing to do with the agreement, it has entirely to do with the political situation and the risks. Level of violence, level of respect for human rights, that is what is interesting.²⁵⁷

In regard to when asylum claims are assessed at the Migration Agency, the process leader states that:

There is no readmission agreement affecting the asylum process. They are completely separate from each other. I am not entirely sure that everyone on the trial [SV: prövningen] knows that there are readmission

²⁵³ Interview 3, department secretary, Ministry of Justice.

²⁵⁴ European commission & the Council, Directive 2008/115/E.

²⁵⁵ Warin & Zhekova, p. 155.

²⁵⁶ Government Offices of Sweden, *Avtal mellan Sverige och Afghanistan om återtagande*.

²⁵⁷ Interview 2, head of the legal department, Migration Agency.

agreements, for example. There you do an examination based on what the individual tells you, i.e. what [he/she] have to fear in the event of a return.²⁵⁸

According to the head of the legal department, the Migration Agency is geared against political influence and act in accordance with the law: “it [readmission] is a completely different issue than the judicial assessment, there is no connection that, therefore you want fewer people to be protected, that we should be tougher in the assessment, there is no such thing.”²⁵⁹ However, the head of the legal department opens up for the possibility that in other countries where judicial positions and asylum assessments are decided on a ministerial level, for example in Great Britain, it cannot be excluded that readmission agreements affect asylum assessments.²⁶⁰

The discussed presuppositions are, according to the WPR approach, prerequisites for shaping discourse at a given time and for certain “problem” representations to be formulated.²⁶¹ This network of *assumptions* include; forced return needs to function in order to retain a credible asylum system and to incentivize individuals to accept return decisions; and the practice of forced return is legitimate because states have an obligation to readmit their citizens under international law. The presented disconnection between readmission agreements and the asylum process also function as a rationale to justify the use of readmission agreements, in this manner reassuring that legal assessments of asylum are at the hand of the Migration Agency and Migration courts and not influenced by political agreements.

5.2.3 Producing deportation discourses

It is not within the scope of this thesis to map the origin or development of the abovementioned discursive practices justifying the use of readmission agreements. Nevertheless, it is acknowledged in this part of the analysis that return and readmission are increasingly being presented and handled as “problem” areas in Swedish politics. In the last 10 years, according to the head of the border police, the authorities have received an increased pressure from the government to enforce expulsion orders:

²⁵⁸ Interview 5, process leader on return issues, Migration Agency.

²⁵⁹ Op.cit.

²⁶⁰ Interview 2, head of the legal department, Migration Agency.

²⁶¹ Bacchi & Goodwin, p. 35–36.

The demands on the authority to make return more effective are much, much older than the migration crisis in 2015. The Police, the Migration Agency and the Prison Service have had this in their appropriation letters for about ten years. It is independent of what happened in 2015 and 2016.²⁶²

A stronger emphasis on deportation is visible in the Swedish government's appropriation letter to the Police in 2009, where the Police together with the Migration Agency and the Prison and Probation Service were assigned to make joint efforts in order to achieve more effective forced returns.²⁶³ The Migration Agency also noted in a report from 2011, that "Return work is a priority for the Swedish Migration Agency. A clear shift in reception activities to return operations has been made."²⁶⁴ Increased focus on return and deportation in Sweden coincided with stronger efforts by the EU to harmonize return policies among Member states in order to make the removal of "illegal" subjects more effective, most visible through the Return Directive implemented in Sweden 2010. Thus, increased focus return and readmission as problematized areas needs to be understood in the light of the discursive practices of the EU, in form of regulations and communications to the Member states to make increased efforts in the policy area of return and readmission.²⁶⁵

Return and readmission have further been reinforced as "problematized" issues in need of more policy instruments from 2015 and onwards. In the government's spending authorization for 2016, the Police was urged to prioritize enforcement of return decisions due to increased number of rejected asylum seekers.²⁶⁶ Several restrictive measures were implemented in the year of 2016, among them the "temporary law" limiting the possibilities for asylum, amendments in the law on reception of asylum seekers to disincentivize irregular presence of rejected applicants, and extension of the mandate for authorities to confiscate IDs and passports.²⁶⁷ Another sign of a continued "making" of return as a problematized area is to keep or improve statistics, both to measure performance of the authorities and "in calculating and identifying political objects".²⁶⁸ In appropriation letters from 2017 and 2018, the Police Authority were assigned to further improve statistics of forced returns,²⁶⁹ statistics that can be

²⁶² Interview 6, head of the National Border Policing Section, Policy Authority.

²⁶³ Ministry of Justice, Appropriation Letter for the Police, 2009.

²⁶⁴ Migration Agency, *Verksamhets- och kostnadsprognos*, 2011, p. 24.

²⁶⁵ See for example: COM (2017) 200 final.

²⁶⁶ Ministry of Justice, *Appropriation Letter for the Police*, 2016.

²⁶⁷ Swedish Migration Agency & the European Migration Network. 2016. EMN Annual Report on Migration and Asylum 2016 Sweden, p. 45-46.

²⁶⁸ Bacchi, p. 5.

²⁶⁹ Ministry of Justice, *Appropriation letters for the Police*, 2017 and 2018.

used to keep track of groups of immigrants and to evaluate which countries are “problematic” in terms of readmission. The department secretary also states that authorities’ work with deportation has become more visible in the last couple of years:

It was a business [SV: verksamhet] that before was a bit obscured. Not many people knew that the Migration Agency deals with return, that both the Migration Agency and the Police do. I think the discussions of the last few years have made this business visible, which I think is very good.²⁷⁰

The quote indicates that the discourse on return and deportation has gained a foothold and spread the last couple of years, making it an “object for thought”²⁷¹ among the general public. Governmental problematization of return is also visible in the number of reports that have tackled the issue of return in the last couple of years. Latest in the spring of 2020, an investigation by the Swedish National Audit Unit presented a report showing the ineffectiveness of Swedish return politics, i.e. that the costs of return have increased while the number of irregular migrants has increased.²⁷² Based on the results of that report, the government instructed the Swedish Agency for Public Management to analyze and propose measures to make authorities’ work with return more effective.²⁷³

As mentioned in the background chapter, readmission agreements are not a new tool used by the Swedish government, it dates back to at least 1954 and the latest agreements adopted before the MoU were one with Iraq in 2008 (which is currently not “working” as an instrument for forced returns),²⁷⁴ and one with Kosovo in 2012. The head of the National Border Policing Section underlines that readmission agreements as a tool for the Police is neither something new nor directly connected to the increase of asylum seekers in 2015: [W]e expressed the need for agreements with Afghanistan, Iraq, Iran and Lebanon before 2015”.²⁷⁵ A recent development, however, is that the Ministry of Justice wants to use readmission agreements to a larger degree than before: “What is new is that we would like to work with it to a greater extent because we think it will be a better... Operations will work better if there is a readmission agreement.”²⁷⁶ An increased focus on readmission agreements are also stressed by two of the

²⁷⁰ Interview 3, department secretary, Ministry of Justice.

²⁷¹ Bacchi. 2012, p. 2.

²⁷² Swedish National Audit Office, *Return activities – results, costs and effectiveness (RiR 2020:7)*, 2020.

²⁷³ Government Offices of Sweden, *Uppdra till statskontoret att analysera och föreslå åtgärder för att effektivisera arbetet med återvändandet*, 2020.

²⁷⁴ Interview 3, department secretary, Ministry of Justice.

²⁷⁵ Interview 6, head of the National Border Policing Section, Policy Authority

²⁷⁶ Ibid.

interviewees at the Migration Agency, where the expert expressed that: “Readmission agreements as such is one of the major issues, overall, that you want to see more readmission agreements with more countries. We have countries such as Iraq, Somalia, Iran among others.”²⁷⁷ It can be reminded here that readmission agreements are something a state reaches for primarily when the requested country do not accept to readmit forced returnees, and when the targeted population are not returning at their own accord to the extent desired by the state.

This section has presented an increased focus on restrictive measures and control as governmental techniques to combat irregular presence of migrants and rejected asylum seekers. Although readmission agreements have been a part of this toolbox for many years, the interest in concluding more readmission agreements lines up with the increased “problematization” of return and deportation in Swedish politics. The following section directs attention to alternative representations of the “problem” detected in the interviews, representations that disrupt the image of a coherent representation and opens up for different conceptualizations of the “problem”.²⁷⁸

5.2.4 Alternative “problem” representations

Consensus on “problem” representations among policy-makers and implementors is a common phenomenon.²⁷⁹ Zoë Gill conceptualizes this phenomenon by referring to “located subjects”, meaning that policy-makers and implementors are not separated from the policy discourse but reflect and perpetuate the dominant discourses rather than questioning them.²⁸⁰ This partly serves as an explanation for why the use of forced return and readmission agreements are to most extent un-problematized in the primary material used in this study, in contrast to critique put forward by external actors such as refugee rights organizations.²⁸¹ However, in the WPR analysis, an important part is to pay attention to alternative representations which are manifested at the margins of a dominant “problem” representation and accepted *knowledge*.²⁸²

²⁷⁷ Interview 1, expert at the Migration Agency.

²⁷⁸ Bacchi & Goodwin, p. 14.

²⁷⁹ Gill, Zoë, ‘Located subjects: The daily lives of policy workers’, In Bletsas, Angelica & Beasley, Chris (eds), *Engaging with Carol Bacchi: Strategic Interventions and Exchanges*, University of Adelaide Press, 2012.

²⁸⁰ Ibid, p. 80.

²⁸¹ See for instance: Amnesty International, *Stoppa tvångsutvisningar till Afghanistan*, 2018, FARR, *Stoppa tvångsutvisningen!* 2019.

²⁸² Bacchi & Goodwin, p. 22.

Two distinct alternative “problem” representations were presented in the interviews, showing another direction for “solutions” than readmission agreements. The first one disputes the political focus on restrictive measures, such as readmission agreements and withdrawal of daily allowance, as solutions to attain a more effective and sustainable return. This alternative representation is illustrated in a quote from the head of the legal department at the Migration Agency:

I often hear that we should have more agreements. I wonder then, what is the empirical knowledge that it helps. [...] There may be a risk that when winds like this blow, because there are politically strong winds on this issue where it is a matter of limiting a great deal, that you then think that only by means of restrictions you can achieve what you want. In this case, it is probably not so, the whip is not the only solution in this matter. The whips, I think we have already used. One example is that it was thought that this to withdraw the right to daily allowance would be a... That legislation exists, and we comply with it. I see no sign of an increase in return.²⁸³

In this quote we can find a confirmation of a discourse which increasingly focuses on restrictions, but that these measures are questioned in terms of their outcomes and the *knowledge* justifying them.

Whereas one of the main “problem” representations presented in the previous chapters focuses on forced returns through cooperation with third countries on readmission, the expert at the Migration Agency instead points to the lack of capacities in Afghanistan to reintegrate deportees, as well as the absence of preparation and mobilization possibilities for deportees in Sweden:

This is really what is a bit of a challenge because research says that the person must be given the opportunity to prepare in order to mobilize resources. It doesn't exist today. This is what I think is one of the most important knots that needs to be untied. [...] This became very clear to me in Afghanistan, that everyone asked me ‘what's going on there in Afghanistan?’ and I asked, ‘what's going on in Sweden?’, because you see all the people and talk to people who say that these people are coming back ‘empty-handed, empty-minded’. We give them information, fine, but what more? These people have brought with them a language they can't use. That's it. I would say here that the agreement has had no effect at all.²⁸⁴

The interviewee points to the reluctance to work towards the direction of creating projects focusing on practical preparedness in Sweden both within the Agency, the political realm and

²⁸³ Interview 2, head of the legal department, Migration Agency.

²⁸⁴ Interview 1, expert, Migration Agency.

the civil society. On one hand, politicians are presented to believe that a more generous return politics would function as a “pull-factor” for asylum seekers to Sweden, whereas the civil society in general does not want to be a part of the “expulsion machine”.²⁸⁵ Solutions pertaining to these types of projects are also brought up in a report from the Migration Agency, however, with the declared purpose to increase uncompelled return instead of focusing on the individual’s capacities upon return.²⁸⁶

This section has presented disruptions of a fully coherent “problem” representation in the interviews. The representations visible in the margins of the discourse problematizes the use of restrictive measures and focuses on the individual’s situation upon return, in contrast to the main representations which focus on the “problem” of irregular rejected asylum seekers and readmission.

5.3 The creation of a deportation corridor

Whereas the previous parts of the analysis focused on reconstructing and understanding the discursive practices justifying the use of MoU and readmission agreements in general, this section directs our attention to understanding the practical significance of the MoU in relation to the concepts “deportation infrastructure” and “deportation corridor”. As we could see in earlier sections, the implementation of the MoU is presented to have realized a regulated readmission process and increased forced returns to Afghanistan – in other words, a route of occasional deportations has turned into a deportation corridor through implemented measures.²⁸⁷ This section seeks to illuminate how these different measures are interrelated in the deportation infrastructure. The creation of a deportation corridor, as I will show, also relies on the JWF declaration between the EU and Afghanistan as well as European Joint Return Operations.

5.3.1 Internationalization of deportation infrastructure

The linchpin of the presented “success” of the MoU is stated by a majority of the interviewees to be good bilateral relations and cooperation with Afghanistan, both with the embassy in

²⁸⁵ Ibid.

²⁸⁶ Migration Agency, *Redovisning av uppdrag 3.6 i Migrationsverkets regleringsbrev – Självmant återvändande*.

²⁸⁷ Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*, p. 2808

Sweden to manage issues with passports and travel documents, and with the authorities in Afghanistan.²⁸⁸

Several of the interviewees raised the importance of enhancing the cooperation around the MoU through inviting Afghan representatives to Sweden, and most importantly through having a return liaison officer (RLO) stationed in Kabul whose task assignment is to be a link between Sweden and Afghanistan in facilitating returns.²⁸⁹ This position is linked to the European Return Liaison Officers Network (EURLO), a program funded by the Asylum, Migration and Integration (AMIF) as a part of EU's strategy to "carry out effective returns in line with the Return Directive".²⁹⁰ Both the Migration Agency and the Policy Authority have had return liaison officers stationed at the Swedish Embassy in Kabul during different periods from 2016 respectively 2017. The head of the border police stresses the MoU as a prerequisite "to work with a liaison officer on the ground, effectively,"²⁹¹ and the department secretary expresses that "one reason why we have return liaison officers in Kabul is precisely because we have a functioning agreement. If there was not an agreement, they would not be there."²⁹² The tasks of the RLO includes receiving the deportees at the airport in Afghanistan, in case of escorted returns, and to answer questions from deportees, authorities and organizations. The current RLO for the Police expressed that "I see that it can squabble over issues relating to other countries that are not represented by such a person as me. Issues that I try to deal with to the best of my ability. So, to have a return liaison officer on the ground in Kabul is very much appreciated."²⁹³ The RLO's are also presented to monitor implementation of the MoU and to report back to the authorities in Sweden, which in turn report to the Ministry of justice.²⁹⁴ The interviews show that the only evaluation or control mechanism of the agreement is the return liaison officers in Kabul.²⁹⁵ Accordingly, the two parties have not seized the opportunity in the agreement of creating a joint implementation group.²⁹⁶ On the other hand, the head of the border

²⁸⁸ Interview 8, Embassy liaison officer responsible for Afghanistan and the return liaison officer, Police Authority.

²⁸⁹ Interview 6, head of the National Border Policing Section, Policy Authority.

²⁹⁰ European Commission, *On a more effective return policy – A renewed action plan*, COM(2017) 200 final, 2017, p. 11.

²⁹¹ Interview 6, head of the National Border Policing Section, Police Authority.

²⁹² Interview 3, department secretary, Minister of Justice.

²⁹³ Interview 8, Return Liaison Officer, Police Authority.

²⁹⁴ Op.Cit.

²⁹⁵ Interview 3, department secretary, Minister of Justice; Interview 6, head of the National Border Policing Section, Police Authority.

²⁹⁶ MoU, art. 12.

police expresses that the Border Police has told the Department of Justice that they, together with Afghanistan, wish to carry out a joint and robust evaluation of the agreement.²⁹⁷

The RLO officers seem to be a vital component in enhancing cooperation around the MoU and to sort out questions between the countries. It is an example of the increased network of relations between officials and authorities between two different countries, put in place through an EU program to “facilitate and condition the forced movement of persons who are subject to deportation measures”.²⁹⁸

Two other crucial components in the deportation infrastructure to Afghanistan, and the making of a deportation corridor, are Joint Return Operations (JRO) and the JWF declaration. The European Border and Coast Guard Agency (hereafter Frontex) has, since it was established in 2004, the task to coordinate JRO's.²⁹⁹ JRO:s are co-financed and co-coordinated by Frontex which at the request of Member states carry out return operations by charter planes which can make several stops in other EU countries to fill the planes with deportees. Sweden started to use JRO's to Afghanistan to a greater extent, with bigger charter plans, in 2016.³⁰⁰ JRO's were, according to the head of the border police, used before the two readmission agreements but much more seldom and with an uncertainty that deportees would be readmitted in Afghanistan.³⁰¹ A crucial point here is that when Sweden deport through Frontex financed charter planes, the JWF is invoked instead of the MoU:

The bilateral agreement, as interpreted by Afghanistan, only applies when we implement return nationally with return from Sweden. We are now part of the EU, which means that we are making a joint return with other EU countries, where we charter aircraft. There, we invoke the JWF because Afghanistan believes that the bilateral agreement does not cover when we participate with other countries.

In the quote we can detect signs of negotiation, where Afghanistan's interpretation affects when and how Sweden can utilize the two agreements. However, it is evident that Sweden's access to JROs and the JWF increases the number of individuals that can be deported. JRO's are also presented to make return operations more time- and cost- efficient compared to the use of

²⁹⁷ Interview 6, head of the National Border Policing Section, Police Authority.

²⁹⁸ Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*, p. 2800.

²⁹⁹ Council Regulation (EC) No 2007/2004 of 26 October 2004 establishing a European Agency for the Management of Operational Cooperation at the External Borders of the Member states of the European Union.

³⁰⁰ Interview 7, head of the international transport unit, Prison and Probation Service.

³⁰¹ Interview 6, head of the National Border Policing Section, Police Authority.

smaller national aviation.³⁰² At one of many JRO's from Sweden in September 2019, 50 Afghan nationals were deported from Sweden in one charter plane.³⁰³ The applied notion of deportation infrastructure allows us to illuminate how policies in the form of one bilateral and one EU readmission agreement, interact with, and enable the use of charter planes and commercial aviation in the infrastructure.³⁰⁴

5.3.2 Shaping the conduct of deportees

In the creation of a corridor, measures such as the previously discussed are implemented to isolate the route from interruptions.³⁰⁵ The creation of a corridor can also be seen in relation to how policies, such as the MoU, have the objective to shape the actions of subjects.³⁰⁶ Besides the fact that the MoU, through enabling forced returns, in a compulsory manner shapes the conduct to board a plane and return to Afghanistan, it is also presented that resistance during forced returns have diminished. The establishment of a “predictable” return process is presented to have increased the border police's knowledge about the circumstances in Afghanistan and what will happen during the process. This has in turn, according to the head of the National Border Policing Section, led to a lower use of physical coercive measures upon forced return operations:

This in turn has meant that we here in Sweden have been able to build up a function where we today, yes not right now because of Corona, but normally can be out in all detain centers and inform everyone who is to be returned to Afghanistan, individually, what will happen. Since we started with it at the beginning of last year, 2019, we can see that the use coercive measures upon return to Afghanistan is 1-2%, physical coercive measures. Then one might think it is lengthy to say that it is due to the agreement, but the agreement has allowed for planning and predictability in the return process that allows us today to inform and communicate with much greater certainty to returnees about what will happen.³⁰⁷

These active information campaigns are hence perceived to have altered the attitudes of deportees: “Of course not that you turn completely and ‘of course I will go home’ but that you get an understanding of the process and what will happen, which gives a different security perhaps than what it would have done if [you] only get information that you are going on a plane. The possibility of what the [reintegration] support actually means and what it can

³⁰² Interview 7, head of the international transport unit, Prison and Probation Service.

³⁰³ Police Authority, *50 återvändare till Afghanistan*, 2019.

³⁰⁴ Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*, p. 2811.

³⁰⁵ Ibid, p. 2808.

³⁰⁶ Bacchi, & Godwin, p. 13–14.

³⁰⁷ Interview 6, head of the National Border Policing Section, Police Authority.

provide.”³⁰⁸ The current return liaison officer also notices a change in attitudes in form of that the questions he receives from returnees in Afghanistan more concerns logistic issues and more of a “future-thinking among returnees”.³⁰⁹

These sections have illustrated how readmission agreements function as a key technique for minimizing disruptions and resistance along the deportation corridor to Afghanistan through expansion of the infrastructure and shaping the conduct of the deportees. The deportation infrastructure is, as I have shown, dependent on several components: a sustainable relationship and cooperation between Afghanistan and Sweden, officials on site in Kabul and Joint return operations with the help of Frontex. While Walters draws our attention to the fact that chartered aircraft and European joint return operations are important components of modern deportation infrastructures,³¹⁰ the analysis has shown that the MoU and the JWF declaration, in other words readmission agreements, establish the framework for these operations and thus facilitate deportation efforts. However, attempts to isolate the corridor from interference are not without disruptions. The last part of the analysis proceeds to illustrate the integrated mutability and vulnerability in this specific infrastructure and the disruptions along the making of a deportation corridor.

5.3.3 Disruptions

Despite the expanded infrastructure, forced deportations of Afghan families with children, and some other vulnerable individuals with legally binding deportation decisions, are not yet enforceable. This can be understood in light of Walters’ observation that there is a built-in vulnerability and mutability in an infrastructure that relies on many different actors and elements.³¹¹ From the Swedish perspective on the Swedish-Afghan cooperation on readmission, it is “important to be perceived as a credible co-operation partner” and “the goal is to build a long-term relationship with the Afghan authorities”.³¹² A collaboration based on good faith and a long-term perspective seems to reduce the short-term scope for how much Swedish authorities can push to carry out deportations of individuals that Afghanistan is unwilling to readmit. According to the process leader at the Migration Agency, the authority does not (at the time of

³⁰⁸ Interview 8, Embassy Liaison Officer Responsible for Afghanistan, Police Authority.

³⁰⁹ Ibid, Return liaison officer.

³¹⁰ Walters, *Aviation as deportation infrastructure: airports, planes, and expulsion*.

³¹¹ Ibid, p. 2810–2811.

³¹² Interview 6, head of the National Border Policing Section, Police Authority.

the interview) hand over cases of families with children to the Police for forced return, as the probability that they will be readmitted is small.³¹³ Another example of workarounds the Border Police use in order to, in the long-run, being able to deport Afghan families with children is through a project that maps the conditions in Afghanistan for receiving this group:

The primary purpose of this is to try to reduce the ambiguity in that part of the agreement. Better try to understand Afghanistan's perspective [...] what are the conditions that Afghanistan believes must be met for families with children to be able to return. [...] The purpose of this is to try to create some kind of substance or clarity in what it is from Afghanistan's side that is meant to be, what measures must be taken in order for them to be able to receive, for example, families with children.³¹⁴

This project shows how the Border Police continues to work to create a deportation corridor where more vulnerable groups can be deported and readmitted, in a way that does not risk the cooperation as a whole collapsing.

³¹³ Interview 5, process leader on return issues, Migration Agency

³¹⁴ Interview 6, head of the National Border Policing Section, Police Authority.

6. Conclusion

This study has drawn our attention to the use of readmission agreements in contemporary deportation systems. Considering the increased use of readmission agreements at the EU level and among Member states, it aimed to examine the discourse underpinning the readmission agreement between Sweden and Afghanistan through applying the “WPR” approach. It also focused on how the agreement is applied and works as a tool for creating a more effective deportation corridor to Afghanistan. Given the absence of official documents and the obscurity of readmission policy,³¹⁵ and the advantage of obtaining institutional *knowledge*, the primary material consisted of elite/expert interviews with officials working with return and readmission issues, in other words – within the deportation infrastructure. With help of this methodology, it has been shown that readmission agreements are an imperative part of understanding deportation and return systems in contemporary societies. The main identified “problem” representations that underlie the MoU were Afghanistan’s reluctance to readmit forced returnees, and the lack of a regulated process hindering a predictable and more effective process. The findings have shown that the discourse emphasizes a successful collaboration with Afghanistan, with more executed forced returns to Afghanistan and increased predictability that is considered to improve the situation even for those who are deported. We could distinguish different *assumptions* forming the *governmental rationalities* for legitimizing and making the use of readmission agreements comprehensible. These *assumptions* include that forced return needs to function in order to retain a credible asylum system and incentivize individuals to accept return decisions. Moreover, the practice of forced return is presented to be justified because states should readmit their citizens under international law. The interviewees also present a disconnection between readmission agreements and the asylum process, and in that manner reassuring that legal assessments of asylum are not influenced by political agreements. A few alternative “problem” representations were presented in the material which hence disrupted a construction of a fully coherent discourse. These representations focused on the individual’s situation upon return and questioned the use of restrictive measures such as readmission agreements.

With the help of a rich set of material, the analysis also presented an increased governmental interest in concluding more readmission agreements, which agrees with the increased

³¹⁵ Carrera; Warin and Zhekova.

"problematization" of return and deportation in the form of restrictive measures and control as to combat irregular presence of rejected asylum seekers. However, a key circumstance is that the MoU has not been officially evaluated which indicates that readmission agreements are reproduced as a successful solution based on assumptions, rather than evidence, which in turn is used to legitimize the conclusion of more readmission agreements. In Sweden, as one of the EU countries with the lowest asylum approval rate for Afghan citizens, many young adults have fallen between the asylum and welfare system and chosen to flee again to seek security and rebuild dignity in another Schengen country.³¹⁶ The fact that many Afghans abscond or migrate further also indicates that the agreement has led to a more insecure situation for many Afghans and questions the assumption that an increase in deportations leads to more uncompelled returns. These circumstances further necessitate calling the government's increased focus on readmission agreements into question.

The "deportation corridor" and the "infrastructure" which enables it, have been analyzed as processes formed and produced through various *practices* and *knowledge* production. The application of the analytical concepts has further shown the interplay of connected mechanisms, authorities and agreements that make it possible to deport individuals to Afghanistan. As such, this study situates deportation and readmission issues amidst international interactions and reaffirms previous studies' conclusions³¹⁷ that cooperation of readmission is contingent on creating and maintaining bilateral relations. The MoU constitute a crucial element of the deportation infrastructure along with other measures such as the JWF declaration and European Joint return operations. The MoU has minimized interferences along the deportation corridor to Afghanistan through increasing the predictability of readmission and shaping the conduct of deportees. A complex system has been built around deportations to Afghanistan; however, through studying the interdependence of elements in the infrastructure we could detect mutability and disruptions. For example, Swedish authorities are not able to deport families with children despite having an agreement.

Given the results of this study, the possibility of concluding and implementing readmission agreements with other countries cannot be taken for granted. At least what is said publicly, Sweden does not use development aid or other "benefits" to pressure third countries into

³¹⁶ Elsrud, Torun, 'Resisting social death with dignity. The strategy of re-escaping among young asylum-seekers in the wake of Sweden's sharpened asylum laws' In *European Journal of Social Work*. Vol 23(3), 2020.

³¹⁷ Carrera, Coleman.

accepting readmission agreements. At the same time, we do not yet know how EU's new migration and asylum pact will affect the discourse and infrastructure around deportations and readmission agreements. The Pact places a strong focus on return and cooperation with third countries, where, among other things, the conditionality of visa procedures is recommended as a way of promoting third countries' readmission of deported individuals.³¹⁸ Return sponsorship is also part of the Pact's "solidarity mechanism", which instructs the Member states to carry out the return of persons whose asylum claims have been assessed in another Member State. How this will affect the use of readmission agreements and whether third countries will accept this type of arrangement remains to be seen. Regardless, the deportation infrastructure, hence the deportation corridor to Afghanistan, will undoubtedly develop and change. A further indication of mutability is that the MoU and the JWF declaration are currently being renegotiated with Afghanistan. Until the negotiations are completed, Sweden will continue to apply the old agreements.³¹⁹

This contribution is a first insight into how the discourse of readmission agreements plays out in the Swedish context and relates to efforts of making return policies more "effective". More comprehensive research, based on extensive qualitative and quantitative data which includes actors outside the state apparatus, is needed further to comprehend and challenge *government rationalities* behind using readmission agreements and their operational effects. Crucially, further research would benefit immensely from studying readmission agreements with a multi-sited approach. An extension of the current research project could preferably illuminate the perspectives of the Afghan government and authorities. It would also be crucial to sort out the relationship between agreements on the bilateral and EU levels, as this study began to discuss regarding the JWF and the MoU. Lastly, future studies on forced return and readmission agreements should be linked to evaluations of the asylum system itself, as the legitimacy of deportations lies in the legal certainty of asylum decisions. Above all, further research is needed that examines the effects of readmission agreements in relation to the human consequences of deportations to war-torn countries.

³¹⁸ European Commission, 2020, p. 6.

³¹⁹ Email correspondence with the department secretary at the Ministry of Justice, December 21st, 2020.

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Appendix 1: Interview guide

Topic guide used for the interviews

Firstly, the subject of the thesis was explained and then I asked if the interviewee shortly could describe his/her professional role and how long he/she have been working with these issues.

Topic 1: potential effects of the MoU

This topic included questions on how the interviewees perceive that the readmission agreement affects their work, or their authority's/department's work, with return to Afghanistan, primarily in regard to:

- a. Effectiveness
- b. Humanitarianism
- c. Legal Certainty

Topic 2: bilateral cooperation between Sweden and Afghanistan

In the second topic, I raised questions on the cooperation between Sweden and Afghanistan on readmission and the readmission agreement.

Topic 3: non-legally binding readmission agreements

The issue of non-legally versus legally binding were raised on the basis of what has been put forward in previous research, for instance the question of accountability and whether the type of agreement have any implications for cooperation and implementation.

Appendix 2: Consent form

Consent form for interview regarding master thesis at Malmö University

Student: Alice Hertzberg.

Supervisor: Christian Fernandez.

To ensure that you who are interviewed have understood and agreed to the terms and conditions and the rights you have as an informant, I would like you to read through and fill out this consent form.

The study aims to better understand the effects of non-binding readmission agreements through a qualitative and interdisciplinary case study of the Memorandum of Understanding between Sweden and Afghanistan and, to the extent relevant, also the EU-Afghanistan Joint Way Forward Declaration. The paper deals with the impact of the agreement on effective, safe, and humane return and the non-binding status of the agreements in cooperation between the countries and the implementation of the agreements by the authorities.

If you agree to the following points, sign:

1. I have volunteered to participate in the interview and understand that I have the right to terminate the cooperation, i.e. the interview will not be used, until the date that the essay is submitted for examination.
2. The interview will be used for Alice Hertzberg's master thesis in the subject of international migration and ethnic relations.
3. Only Alice Hertzberg and her supervisor will have access to the audio recording and it will not be shared further. On the other hand, the transcription of the interview will be available to those who ask to increase credibility and transparency. The audio recording will be stored offline on a USB that is locked in and will be destroyed when the essay is submitted.
4. Alice Hertzberg will translate the parts of the interview to be used to English because it is the language in which the essay should be written.
5. The paper will be published on Malmö University's website for essays and be available to the public to read.

Do you want your name and professional title to be included in the essay?

I would like to draw your attention to the fact that it is not possible to completely anonymize your participation in the essay, but only to de-identify, as I will need to mention the workplace and work area. The essay's material is based on expert and elite interviews whereupon the relevance of my choices of interviewees needs to be disclosed.

Tick your answer.

YES, my professional title and my name may be used in the study ____

Consent form for interview regarding master thesis at Malmö University

Student: Alice Hertzberg.

Supervisor: Christian Fernandez.

YES, but only my professional title and not my name may be used ____

NO. I want to be de-identified by omitting my name and professional title ____

Clarification of signature: _____

Signature: _____ Date: _____

Thank you!

Sincerely,

Alice Hertzberg

E-mail: [REDACTED]

Appendix 3: MoU between Sweden and Afghanistan

**Memorandum of Understanding
Between
The Government of Sweden and the Government of the Islamic Republic of
Afghanistan
On cooperation in the field of migration**

The Government of Sweden and the Government of the Islamic Republic of Afghanistan, hereinafter referred to as "the Participants",

- (a) Respecting the provisions of the 1951 Convention relating to the Status of Refugees and its 1967 New York Protocol;
- (b) Recognizing that the right of all citizens to leave and to return to their country is a basic human right enshrined, inter alia, in Article 13 (2) of the 1948 Universal Declaration of Human Rights and Article 12 of the 1966 International Covenant on Civil and Political Rights;
- (c) Welcoming the fact that a large number of Afghan citizens have already returned and that many more are in the progress of doing so bringing with them valuable experiences and skills;
- (d) Resolved to cooperate in order to assist the dignified, safe and orderly return to Afghanistan of Afghan citizens who do not have the legal right to stay in Sweden;
- (e) Noting the desire of the Participants to cooperate with each other to achieve full observance of international human rights and humanitarian standards;

Have reached the following understanding:

Article 1

Scope

This MoU intends to set up cooperation on addressing and preventing irregular migration, return and readmission of irregular migrants, who after consideration of all relevant international laws and legal procedures cannot be granted international protection status or permit to stay as part of overall cooperation between the Government of Sweden and the Government of Afghanistan.

Article 2

Objectives

With this MoU the Participants wish to lay the basis for a closely coordinated, phased and humane process of assisted return from Sweden which respects the primacy of voluntary return and which takes account of the conditions in Afghanistan and of the importance of safe, dignified and sustainable return.

Article 3

Modalities of Return

The Participants hereby accept that the return will, primarily take place on a voluntary basis and following any of the options for continued stay in Sweden hereunder:

- a) The Participants acknowledge their international obligations to readmit its own nationals who are required to leave each other's territories.
- b) Afghan nationals, who are found not to have legal right to stay in Sweden after their applications are legally processed, protection needs or compelling humanitarian reasons in accordance with Swedish legislation justifying prolongation of their stay in Sweden, could opt for voluntary return according to Swedish law based on the knowledge of the situation in the intended places

of their return after a final negative decision on their application to stay in Sweden or on their international protection claim. Afghan nationals, who nevertheless continue to refuse to avail themselves of the option of voluntary return, may be ordered to leave Sweden as an option of last resort. The return process will be phased, orderly and humane. The details of the return process are described in Annex I (return process).

Article 4

Identification and Documentation

When the person to be returned has no valid passport, the Afghan competent authority will ensure that a passport or a travel document is issued no later than four weeks following the request made by Sweden. The list of travel documents is attached as Annex II.

When Sweden has evidence of the nationality of the person to be returned, the Afghan authorities will make every effort to verify the evidence and issue a passport or a travel document within two weeks.

When the travel document has not been issued within these time limits, Sweden may issue the EU standard travel document for return.

Article 5

Preservation of Family Unity

In accordance with the principle of family unity and in cases where all members of a family, who are all Afghan nationals covered by this MoU, are returning to Afghanistan, the Government of Sweden will make every effort to ensure that families are returned as units and that involuntary separation is avoided.

Article 6

Special Measures for Vulnerable Groups

The Participants will take special measures to ensure that vulnerable groups receive adequate protection, assistance and care throughout the return and reintegration process. In particular, measures will be taken to ensure that unaccompanied minors are not returned prior to successful tracing of family members or without specific and adequate reception and caretaking arrangements having been put in place in Afghanistan.

Prior to returning Afghan Nationals, Sweden will give fair consideration to humanitarian aspect in accordance with international law to unaccompanied minors, single women and women who are head of the their families, family unity, elderly and seriously sick people. Special measures will ensure that such vulnerable groups receive adequate protection, assistance and care throughout the whole process.

Article 7

Commitments upon Return

The Government of the Islamic Republic of Afghanistan will, together with other relevant bodies, carry out the necessary measures to ensure that Afghan nationals abroad can return without any fear of harassment, intimidation, persecution, discrimination, prosecution or any punitive measures whatsoever. These safeguards do not preclude the right of the competent authorities of Afghanistan to prosecute individuals on account of war crimes and crimes against humanity, as defined in international instruments, or very serious common crimes involving death or severe bodily harm in accordance with established human rights standards.

Article 8

Freedom of Choice of Destination

The Government of the Islamic Republic of Afghanistan accepts that Afghan nationals returning from abroad will be free to settle in their former place of residence or any other place of their choice in Afghanistan in accordance with the domestic legislations.

Article 9

Mode of Return

The Participants decide that the appropriate mode of return from Sweden to Afghanistan is by air. Sweden will be responsible for the safety of returnees until they get to Afghanistan in the case of non-scheduled flights.

Where aviation security so requires, the persons to be returned will be accompanied by specialized staff. Returns may be conducted by scheduled and non-scheduled flights in accordance with annex I of this MoU.

While travelling to Afghanistan the Swedish escort staff will carry a valid Afghan visa at all time. The Afghan mission will issue such visas without delay. The details concerning this is attached in a diplomatic note to this MoU.

Article 10

Return and Reintegration Assistance

- a) The Government of Sweden will meet the costs of travel and return assistance for Afghan nationals covered by this MoU up to the final destination in Afghanistan according to Swedish legislation. Information concerning the assistance mentioned in this Article is attached as Annex III of this MoU.

- b) The Government of Sweden will continue to consider favourably the provision of support to reconstruction, rehabilitation and reintegration projects with a view to facilitating the re-establishment of livelihoods in Afghanistan of returnees taking into account the broader reconstruction needs of Afghanistan.

Article 11

Personnel

The Participants will facilitate the entry and stay, through issuance of visas as necessary, in accordance with their applicable national immigration laws, of their officials and personnel facilitating the implementation of this MoU.

Article 12

Joint implementation group

Both sides will set up a joint implementation group to facilitate the application and interpretation of this MoU. The said group will carry out the following functions;

- a) to monitor the application of this MoU;
- b) to decide on implementing arrangements necessary for the uniform execution of it;
- c) to decide on specific implementing arrangements aiming at an orderly management of return flows;
- d) to recommend amendments to this MoU.

In implementing this MoU, the Participants are committed to coordinating and consulting closely with each other. In this regard, relevant information - except personal data and person-specific information related to the content of international protection claims - will be shared between the Participants.

The joint group will meet when necessary at written request of one of the Participants or both Participants. The joint implementation group if mutually agreed may invite representatives of relevant organizations to participate in its deliberations in an advisory capacity. Decisions of the joint group will be based on the mutual consent of the designated representatives or their designated alternates.

Article 13

Exchange of Documents

Both sides declare their intent to exchange the following documents:

- a) All information to facilitate communication or the proper implementation of this MoU including information on diplomatic and consular contact points.
- b) A list of documents to be considered as evidence of citizenship.

Article 14

Exchange of views

Both sides declare that, in the case of differences concerning the understanding of this MoU or the cooperation based on this MoU, a mutually acceptable solution should be found by means of mutual consultation and communication between the responsible authorities on the basis of the English version.

Article 15

Continued Validity of other Arrangements

This MoU will not affect the validity of or derogate from any existing instruments, agreements, arrangements or mechanisms of cooperation between the Participants.

Article 16

Resolution of Disputes

Any question arising out of the interpretation or application of this MoU, or for which no provision is expressly made herein, will be resolved amicably between the Participants through consultations or through the joint implementation group.

Article 17

Coming into Effect

This MoU will come into effect upon signature by the Participants. This MoU is valid for a period of two years from the moment of its coming into effect. If neither side announces termination of this MoU (30) calendar days before its stated expiration, this MoU will be automatically extended for two years.

Article 18

Amendment

This MoU may be amended by mutual consent in writing between the Participants.

Article 19

Termination

Each Participant has the right to denounce this MoU at any time by notification in writing to the other Participant communicated via diplomatic channels. This MoU will cease to apply 30 calendar days after the date of the receipt of any such notification.

Article 20

Relationship with national law, European Union law and international law

This MoU is not intended to supersede national law, European Union law or international obligations by which the Participants are bound. The Participants will notify each other in case of any conflict arising from this MoU.

In witness, thereof, the representatives of the Participants have signed this MoU.

This MoU was signed in Breuch on 5/10 2016 in duplicate in the English language.


**For the Government
of Sweden**


**For the Government of the Islamic
Republic of Afghanistan**

Return Process

1. Both sides are committed to establishing an effective, predictable, orderly and manageable return process that could include scheduled and non-scheduled flights on the basis of the given conditions.
2. In the initial phase of six months, the number of returnees for involuntary return operations will be limited to 50 per flight. Non-schedule flights will be processed at Kabul International Airport (in existing designated facilities) or other mutually agreed regional airport.
3. Flight data, the list of returnees and their personal information shall be provided to the other side in a pool of identified returnees three weeks prior their return date. The Swedish side may have to overbook the flight with persons out of the pool, but not exceed the maximum number as previously announced.
4. If aviation security measures become necessary in the return process, the Swedish side will ensure the dignity and safety of each returnee until they are handed over to the relevant authorities in Afghanistan.
5. Aviation escort staff on board will be specially trained and will treat each returnee with respect and compassion.
6. The Swedish side will take adequate measures in the return process of female returnees, including providing female escorts and when necessary medical staff in their return process.

Documents

1. Specimen of the Afghan Passport
2. Specimen of the EU laissez-passer
3. Specimen of the Afghan Travel Document/ Return Certificate
4. Specimen of the EU Standard Travel Document

Return and Reintegration assistance

Sweden will, in accordance with its national legislation, provide persons to be returned with necessary support in order to provide for secure, dignified and humane return journeys and in order to create incentives for voluntary return. This can, when necessary, comprise support inter alia in planning and carrying out return journeys, covering the costs of air-tickets as well as providing escorting personnel to persons in special needs throughout the return journey. In addition, Sweden will continue to consider favourably the implementation of projects with the view to facilitate the re-establishment of returnees.

Information of the support mentioned above has been provided in details via diplomatic channels, and is also described below. The current support available is subject to any future revisions in accordance with Swedish national legislation and procedures.

Each and every Afghan national returning from Sweden is given extensive support: The Swedish Migration Agency provides assistance in counselling and planning the return journey.

- The cost for the return is carried in full by the Agency, such as necessary transportations and flight-tickets.
- In addition, Afghan returnees are eligible to apply for a reintegration grant. The grant is paid in cash, and amounts to 30 000 SEK per adult, 15 000 SEK per child and a maximum of 75 000 SEK per family. The support is codified in Government Ordinance no. (2008:778) on Reintegration Support.

In addition to the support mentioned above, Sweden is financing and implementing reintegration projects, with the view to facilitate the re-establishment of returnees. The projects provide voluntary as well as non-voluntary returnees with, inter alia, initial support after return as well as several reintegration offers; such as startup of small businesses, vocational or educational training, on-the-job training placement and employment through job referrals.



د افغانستان اسلامي جمهوریت
د بهرنیو چارو وزارت

Islamic Republic of Afghanistan
MINISTRY of FOREIGN AFFAIRS
ریاست امور قونسلې
General Directorate of Consular Affairs

جمهوری اسلامی افغانستان
وزارت امور خارجه

Number:4-2/390/95

Date:02/10/2016

شماره:
تاریخ:
موضوع:
ضمایم:

Note verbal

The Ministry of Foreign Affairs of Afghanistan present its compliments to the Embassy of Sweden in Kabul and has the honor to inform.

The bilateral arrangements between Sweden and Afghanistan with regards to visa requirement for escorts will continue to apply. The Afghan Mission will offer expedited visas services, within 5 working days, valid for up to one year, at the regular fees aligned closely to current reciprocal arrangements.

Escort visas can be issued in advance of any specific escort mission if desired. There will be no visa charge for escorts holding official passports.

The Joint Working Group will look into any relevant operational aspect of cooperation, including on practical issues regarding escorts and any possible visa aspects, which will be reviewed by the Joint Working Group after six months if deemed necessary.

The Ministry of Foreign Affairs of Afghanistan avails itself of this opportunity to renew to the Embassy of Sweden in Kabul the assurances of it is highest consideration.



To the Embassy of Sweden in Kabul.