Determinants of Enforced Return: A Quantitative Analysis of the Spectrum of (In)voluntariness Among Rejected Asylum Seekers in the Netherlands

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Executive Summary

In recent decades, scholars documented the rise of enforced return in the Global North and scrutinised the vast infrastructure, international diplomacy, and in-country measures that set out to boost these. One such way is by promoting so-called 'Assisted Voluntary Returns': programs in which rejected asylum seekers allegedly have ample opportunity to decide on and effectuate return themselves. This article builds upon scholarly critiques of such programs and aims to destabilise the purported binary between 'voluntary' and 'forced' return. By comparing predictors for 'voluntary' return and forced removal outcomes, we provide empirical evidence for the existence of a 'spectrum of (in)voluntariness'. Centring our empirical analysis on the Netherlands, we use a unique multilevel

dataset with data from various governmental agencies and other sources. Our findings indicate a significant overlap in the policy and non-policy determinants for both 'voluntary' return and forced removal outcomes. Intergovernmental policy determinants only partially explain forced removal outcomes, whereas age, family composition, and the situation in migrants' countries of citizenship are of major importance. These findings, therefore, have significant implications for both academic research into enforced return outcomes and for public policy.

Introduction

Forcibly or 'voluntarily' returning non-citizens from a state's territory constitutes a severe form of exclusion. Together, such 'enforced returns' take place after the state issues a return order: the moment they wield their sovereign power to exclude non-citizens from their territory. Whereas enforced return was deemed unacceptable in the early 1900s, especially when states directly employed physical force, it became 'utterly banal' at the end of the same century (De Genova, 2010; Gibney, 2013). With this normalization of enforced return came an extensive and ever-expanding infrastructure that includes detention centres and charter flights (Leerkes & Broeders, 2010; Walters, 2018), international diplomacy (El Qadim, 2014), intergovernmental agreements and deals (Cassarino, 2017; 2024), as well as a vast set of in-country measures that seek to marginalise undocumented migrants (Van der Leun & Bouter, 2015) and incite their cooperation on AVR (Cleton & Chauvin, 2020).

While the interdisciplinary literature on the drivers of return migration is flourishing (see Dustmann, 1996; Constant & Massey, 2002; Black et al., 2004; De Haas & Fokkema, 2011; Jeffrey & Murison, 2011; De Haas et al., 2015), only few studies focus on the return of rejected asylum seekers. The literature discusses their return in two modalities: 'assisted voluntary return' (hereafter, AVR) and forced removal (hereafter, FR). The former indicates an alleged voluntary compliance to a state-issued return order and often includes various forms of in-kind and in-cash assistance through tailor-made programs, operated by (I)NGOs such as the International Organization for Migration (IOM).[1] The limited studies available indicate that the probability of rejected asylum seekers cooperating on AVR depends on a mix of factors. Some of these are related to the state's deterrence and exclusion policies (see Leerkes et al., 2017; Lietaert et al., 2017; Van Wijk, 2008; c.f. Kuschminder & Dubow, 2023), while others are relatively independent of these policies. The latter, for example, include whether rejected asylum seekers still have social attachments in their country of citizenship (Brouwer, 2018; Van Houte et al., 2015) and the societal conditions in the country of citizenship that facilitate or impede reintegration (Black et al., 2004; Koser & Kuschminder, 2015). FR, also referred to as deportations, instead signals the forced relocation of rejected asylum seekers to their country of citizenship (Leerkes et al., 2017). During these, the state's sovereign power is operated to its fullest and physical force is not solely present in the background – exemplified by the use of pre-removal detention, handcuffs and charter flights. So far, there is a dearth of studies on the determinants of FR outcomes (but see Cassarino, 2024; Stutz & Trauner, 2022; Wong, 2015). This lack of attention reflects a lack of good data on FR, but we also argue that it also stems from a belief that FR outcomes primarily result from intergovernmental policies and politics. While ample research, especially in political science, has documented the reasons for readmitting countries to cooperate or resist cooperation on FR (Ellermann, 2008; Mouthaan, 2019; Trauner & Kruse, 2008; Wolff, 2014), we are not aware of quantitative studies that consider a broader gamut of potential determinants.

This article takes up that question by starting from the premise that it is unproductive to assume that AVR only requires migrant cooperation, while FR only requires inter-state cooperation. State actors co-determine AVR outcomes by offering support to undocumented migrants (Lietaert, 2019) and threatening, explicitly or more implicitly, with FR (Cleton & Chauvin, 2020; Sinnige et al., 2023). Qualitative case studies on AVR have documented the decision-making space available to undocumented migrants (see e.g. DeBono, 2015; Kalir, 2017; Kuschminder & Dubow, 2023; Lietaert, 2016) and show that decision-making results from a 'constrained choice', as legal alternatives to

[1] In line with previous studies (i.e., Lietaert, 2016; Leerkes et al., 2017; Kalir, 2017; Vandevoordt, 2018; Cleton & Chauvin, 2020; Cleton, 2022), we have critical stance to the term AVR or 'voluntary return'. Like forced removals, AVR in practice rests on similar logics of force, deterrence and exclusion, albeit without the use of physical force. We nevertheless decided to adopt this term in our manuscript as we tests administrative outcomes.

remain are unavailable (Lietaert, 2016). Yet, the opposite is also true: migrants have agency in FR trajectories, however constrained it may be (see e.g. Ellerman, 2008, 2010; McGregor, 2011; Puggioni, 2014; Van Houte et al., 2021). Both Ellermann (2010) and Leerkes and Kox (2017), for example, point to the crucial role of immigrants revealing or disclosing their identity in re-documentation proceedings prior to FR. By refusing to do so, they can considerably complicate departure, as readmitting countries can subsequently refuse to recognise them as their nationals. While these qualitative case studies thus seem to suggest that there might be an overlap in the drivers of AVR and FR outcomes, how strong this overlap exactly is, is yet unknown.

Following these discussions, we therefore hypothesise that the determinants more commonly associated with AVR also partly explain FR outcomes and vice versa. Migrants and state actors both influence AVR and FR outcomes, with migrants' control over outcomes arguably decreasing as the use of force becomes more prominent and state control over outcomes increases. A second hypothesis is implied in the above: intergovernmental policies and political agreements will only partially explain enforced return outcomes, including FR. If corroborated, our hypotheses provide further evidence for a spectrum of (in)voluntariness in enforced returns, broadening the academic debate and substantiating it with quantitative evidence. Such evidence has implications policy debates on the effectiveness of the deportation regime (De Genova, 2010) in the Global North and provides avenues for rethinking current strategies.

This article thus seeks to answer the following research questions: *Which policy and non-policy factors determine the probability of forced removal among rejected asylum seekers from the Netherlands to their countries of nationality between 2005 and 2011, and how do these determinants compare to the determinants of 'voluntary return' for the same cohorts?* The scarce quantitative research on FR so far has solely made use of existing macrolevel data (i.e. Stutz & Trauner, 2022), whereas we test our hypotheses using a unique, multilevel dataset that includes individual-level data on enforced return outcomes of rejected asylum seekers in the Netherlands. To our knowledge, this is the first paper that tests drivers of enforced return using multilevel, multinomial regression analysis. The analysis focuses on administrative outcomes, which the Dutch state registers in a categorical manner as *zelfstandige terugkeer* ('independent return', which refers to AVR), *verwijdering* ('removal', the term for FR), or *met onbekende bestemming vertrokken* ('left with unknown destination', which in practice means continued stay or onward migration). We focus on the Netherlands, which has been characterized as a 'thick enforcement regime' (Leerkes & Van Houte, 2020). It is among a group of countries that prioritise enforced return and have invested considerable resources in it. As a result, both AVR and FR from the country can be observed with some frequency, making the Netherlands an appropriate case to quantitatively examine the determinants of the spectrum of (in)voluntariness.

Understanding enforced return outcomes

In what follows, we discuss results from relevant literatures on the factors affecting enforced return outcomes, relating these factors to the actions of the three key actors shaping administrative enforced return outcomes: migrants themselves, the state issuing the return decision, and the readmitting state (Trauner, 2018)[2]. We hold that enforced return outcomes reflect the combined result of the

[2] Evidently, various other actors that we do not focus on in this article also play an important role. Migrant decision-making takes place in wider social networks and might be influenced by family members, acquaintances, support organisations, etc. Similarly, previous literature has shown that citizenries of the states involved also indirectly influence enforced return

interdependent actions of these three actors. As explained in the introduction, we argue that AVR outcomes are determined by the actions of rejected asylum seekers and, to a lesser degree, the state issuing a return decision and readmitting states. Vice versa, FR outcomes are shaped by determinants that, to a large extent, follow from the actions of host states and readmitting states, but also by those of rejected asylum seekers. In this, we are inspired by the work of Hedström (2005), whose classic 'DBO-model' holds that we need to focus on the interactions between relevant agents whose actions shape the phenomenon of interest, in order to explain a social phenomenon and its mechanisms. The actions of these agents are shaped by their Desires, Beliefs, and Opportunities (DBO). While Hedström's model mostly paid attention to cognitive beliefs – beliefs about what actors hold true in the world – we also acknowledge the importance of normative beliefs: beliefs about what an actor considers right (see also Ryo, 2013; Cleton, 2022). For purposes of readability, we differentiate between non-policy and policy factors. The latter are understood in a narrow sense and pertain to formal return policies and relevant formal dimensions of intergovernmental relations.[3] For both non-policy and policy factors, we further differentiate between micro level (characteristics that vary at the individual or household level), meso level (characteristics of networks and neighbourhoods) and macro level factors (characteristics of countries and their intergovernmental relations). Due to the limited availability of research on rejected asylum seekers specifically, we occasionally refer to the broader literature on factors that determine non-enforced migrant returns. Of course, we cannot assume that determinants of returns initiated on migrants' own accord are similarly indicative of determinants that explain the outcomes of returns that were preceded by an order to leave the territory. We will rather test whether this is the case in our analysis, and first review said literature below.

Non-policy factors

On the micro level, *social attachments* affect return migration in complex ways. For example, Constant & Massey (2002) found that having a spouse or children present in one's country of citizenship increased returns among German labour migrants. Surveying African labour migrants in Italy and Spain, De Haas and Fokkema (2011) conversely found no significant correlation between return intentions and having children in migrants' countries of citizenship. However, they did find stronger evidence for decreased return intentions while their children were present in Spain and Italy, which is in line with Brouwer's qualitative study on rejected asylum-seeking families in the Netherlands (Brouwer, 2018). By virtue of children's mandatory attendance in school, both themselves and their parents inevitably form community attachments, which in turn are often mobilised to fight enforced return (Rosenberger & Winkler, 2014).

Constant and Massey (2002) show that return migration becomes more likely when migrants have ties to their country of citizenship, for example, by having previous employment or family residing in the country. This, therefore, implies that return to one's country of citizenship will be more likely for elderly rejected asylum seekers as they have had more opportunities to form such ties as opposed to younger migrants (Dustmann, 1996; Snel et al., 2006). Yet, after a certain age, the likelihood of them returning is expected to decrease again due to deteriorating health and limited mobility (Leerkes et al., 2017; Staring et al., 2022). However, age does not only affect migrants' desire to return; public officials, too, might be more reluctant to enforce return orders for older migrants as they might be

outcomes, as exemplified by Cham and Adam (2023) for the Gambia, and Wittock and colleagues (2023) for anti-deportation protests in the Netherlands and Belgium.

[3] In practice, policy and non-policy factors are sometimes difficult to separate. Social attachments, for example, can become a policy factor to the extent that state actors are required to partially base their actions on such attachments, be it through formal policies or through more informal policies and practices (e.g., under the influence of informal organisational norms).

perceived as more vulnerable. Literature has indeed shown that street level bureaucrats involved in enforced return trajectories sometimes struggle to reconcile their work with their own moral norms and values (Vandevoordt, 2018) and subsequently engage in 'legitimation work' (Cleton, 2022). In short, social attachments to the host country and the country of citizenship, therefore, shape migrants' actions, but also state actors' desires, beliefs, and opportunities in implementing enforced return.

Meso level *social attachments*, too, co-determine enforced return outcomes. As undocumented migrants often have little means of subsistence due to a lack of access to the formal labour market and social services, they are dependent on support to find housing and means of income. The presence of co-ethnic communities can provide such support, depending, amongst others, on their size (Bloch, 2014; Bloch and McKay, 2016). They can act as intermediaries that provide information and support to connect to the host society (Ambrosini, 2016). Although these networks can be instrumental in facilitating migrants' return, they will likely help people who are hesitant to return to stay in the host state. Such social attachments do not only affect enforced return outcomes at the 'voluntary' end of the spectrum: if successful in finding a place to sleep and means of income, migrants also become less susceptible to apprehension by the police (Leerkes et al., 2012). The *level of urbanisation* can be argued to affect enforced return as well. Dense urban areas are more likely to provide opportunities to find jobs, housing, and access to supportive networks for undocumented migrants (see Spencer, 2020; Van der Leun & Bouter, 2015). Many local governments, especially in cities where larger numbers of undocumented residents reside, implement policies to accommodate the presence of undocumented migrants despite possible opposition from national politics (Ataç et al., 2020).

On the macro level, return migration is affected by the *social and economic conditions* in both the host country and the country of citizenship, as these co-determine migrants' opportunities upon (non-)return. Studies show that high levels of political freedom and improvements in political freedom in the country of citizenship are associated with higher return rates among both refugees and rejected asylum seekers (Klinthäll, 2007; Leerkes et al., 2017; Zakirova & Buzurukov, 2021) and that poverty in the country of citizenship is associated with lower return rates (Dustmann & Weiss, 2007; Leerkes et al., 2017). Authorities of readmitting states, too, are likely to consider societal conditions for returnees when deciding on (non-)collaboration on enforced return. When countries are experiencing high unemployment rates, for example, the return of nationals with or without legal residence status might mean an extra burden on already strained labour markets and a loss of much-needed remittances (Ellermann, 2008; Mouthaan, 2019).

Finally, we cautiously hypothesise that *corruption* in migrants' countries of citizenship similarly reduces return, especially on the more voluntary side of the enforced return spectrum (Paasche, 2022). For example, Tsuda reports that perceived corruption in Brazil makes Brazilian immigrant workers in Japan more reluctant to return (Tsuda, 2009). This is in line with Oeppen's study on the temporary return of the Afghan diaspora in the United States to Afghanistan for purposes of capacity building (Oeppen, 2009). She argues that 'corruption was one of the most commonly given reasons as to why they had not stayed longer [in Afghanistan], even more so than insecurity' (Oeppen, 2009, p. 159). King and Vullnetari's (2009) study on the Kosovar diaspora found that they were highly critical of the perceived corruption within Kosovo's administration. Before return to the country could take place, the authors argue that the government needs to build trust through institutional reforms. To our knowledge, there is limited insight into the effects of corruption on intergovernmental collaboration on enforced return, and FR in particular.

Policy factors

On the micro level, there is some evidence that rejected asylum seekers' *perceived procedural legitimacy* - the extent to which they perceive their treatment as fair and their case as handled justly (Tyler, 2006) - affects their willingness to comply with return orders. For example, Leerkes and colleagues found that those whose claims to asylum were decided upon within a certain time span, with an optimum of approximately seven months, were more likely to return 'voluntarily', assisted by the IOM (Leerkes et al., 2017). Very short or overly long first-instance decision times were associated with a lower probability of AVR use. Similarly, Leerkes and Kox (2017) found that the perceived legitimacy of immigration detention measures correlated with stronger preferences to comply. At the meso level, rejected asylum seekers who show willingness to comply with their return order can receive the earlier-mentioned assistance from IOM. In the Netherlands, some migrant groups are coupled with what are called '*native counsellors'*. These are IOM employees who share a similar cultural and linguistic background to specific migrant groups (Van Wijk, 2008). Such a shared background can increase trust, which then increases perceived procedural legitimacy, provided that the counsellors can position themselves as independent (but see Kox & Staring, 2022). While the perceived legitimacy of return policies mostly affects migrants' actions, status determination time may also affect the actions of state actors: when decision time increases, rejected asylum seekers have more opportunities to build up relevant host country social attachments, which, as was mentioned in the above, tend to promote attachments and reduce apprehension risks, for example by increasing migrants' perceived right to stay (see also Meeteren & Sur, 2020).

As mentioned in the introduction, the literature tends to assume that FR outcomes predominantly depend on intergovernmental incentives, policies, and politics. Here, we consider three such factors at the macro level: the *prospect of EU membership*, the possible presence of an *EU-wide readmission agreement,* and *visa free traveling arrangements.* The prospect of EU membership is generally believed to incentivise readmitting states to increase their political cooperation on FR, in the interest of ensuring good relationships with the EU (Cassarino, 2017; Schimmelfennig & Sedelmeier, 2004). Stutz and Trauner (2022) indeed find that EU membership opportunities explained the increase in enforced returns during 2008-2018 from EU Member States, including the Netherlands, to Eastern European countries in particular. This prospect may also increase migrants' willingness to collaborate on AVR, as they might anticipate that they are likely to be forcefully removed if they do not comply with the return decision.

Since the early 2000s, the EU has also concluded several readmission agreements and various other, non-binding, return deals with migrants' countries of citizenship (Niemann & Zaun, 2023). These often contested intergovernmental arrangements seek to facilitate the return of rejected asylum seekers and other nationals of said state, in particular by making appointments about identification procedures and the acquisition of (substitute) travel documents. While there is little evidence that these deals have been very effective (Leerkes et al., 2022; Stutz & Trauner, 2022; El Qadim, 2014; Ellermann, 2008; Vinthagen & Johansson, 2013), there is some evidence that especially binding readmission agreements[4] that come with visa facilitation are somewhat more effective in ensuring enforced removal than non-binding frameworks, such as the Mobility Partnerships (Leerkes et al., 2022). Arguably, linking collaboration on enforced return to regular migration in the form of visa facilitation incentivizes FR to some extent, but also has the effect of migration rules being more seen in the common interest and, therefore, fairer (Leerkes, 2016).

Finally, visa-free travelling arrangements to the Schengen area, which implies that nationals of certain countries do not have to apply for a visa to enter the Schengen area, similarly increases state

[4] For a list of binding readmission agreements on the EU-level, see https://home-affairs.ec.europa.eu/policies/migration-and-asylum/irregular-migration-and-return/humane-and-effective-return-and-readmission-policy_en.

collaboration on enforced return. Non-EU countries that have obtained such arrangements may not want to put these at risk, while migrants may anticipate that it will be relatively easy to re-immigrate after returning temporarily. In addition, there is some evidence that the possibility of legally re-entering the Schengen area after AVR (by virtue of avoiding an entry ban) is an important factor in migrants' decision-making (Dubow, 2023).

Methodology

Data

The dataset, previously used in a study on Assisted Voluntary Return (Leerkes et al., 2017), comprises 15,680 rejected asylum claims. The dataset includes micro level information on all (adult) asylum seekers rejected in the period 2005 up to and including 2010 and return procedures for the same period. Persons who received a residence permit at a later stage (e.g., after appeals) were excluded, and only one adult member was randomly selected per household to remove clustering of observations at the household level. The database includes information about rejected asylum seekers' country of citizenship, age, gender, presence of spouses or children in the Netherlands, and type of departure if it occurred. The dataset was enriched with macro level data such as GDP PPP, political freedom, corruption, and meso level information (e.g., the relative number of legally residing co-nationals in the Netherlands). We furthermore added macro level data about corruption in countries of migrants' citizenship, information related to intergovernmental policies (i.e. the existence of EU-wide readmission agreements that include visa facilitation measures, whether a visa is required to enter the Schengen area and whether there is a prospect of becoming a member of the EU), and data on the level of urbanisation of the municipality of residence in the Netherlands.

Variables

Our dependent variable is categorical and differentiates between *verwijdering* (FR) in the year of rejection or the subsequent year (coded as 2), *zelfstandige terugkeer* (AVR, departure assisted by IOM) in the year of rejection or the subsequent year (coded as 1) and no registered return to the country of citizenship in the year of rejection or the subsequent year (coded as 0). Those removed to another EU member state because of a Dublin claim (meaning that another member state is responsible for processing the asylum procedure) were coded as 0, since these enforced returns do not depend on factors in the country of citizenship, which are central in the present study[5]. Table 1 presents the descriptive statistics. Among the 15,680 observations, 1,273 were categorised as forcefully removed (2), 1,945 as a 'voluntarily returned' assisted by IOM (1), and 12,462 as no registered return (0).

TABLE 1. Descriptive statistics of measures (individual level N=15.680, country level N=102)

	Mean	SD	Min	Max

[5] As some observations of deportations of asylum claims before 2007 do not contain information about to country of destination, it could not be determined whether the observations relate to Dublin claims We categorised these cases as *forced removal* (2), as the earliest cases of registered FR via Dublin claim were in 2008, and we assume that these cases did not involve Dublin claims.

Dependent variable				
'Assisted Voluntary Return'	0.12	0.33	0	1
Forced Removal	0.08	0.27	0	1
No registered departure	0.79	0.40	0	1
Non-policy factors				
Micro level				
Age	30.72	9.57	18.00	107.98
Family composition				
Unaccompanied man	0.73	0.44	0	1
Couple without children	0.02	0.15	0	1
Unaccompanied woman	0.14	0.34	0	1
With non-school-going children	0.05	0.21	0	1
With school-going children	0.06	0.24	0	1
Meso level				
Urbanisation				
Not urban	0.07	0.25	0	1
Hardly urban	0.15	0.36	0	1
Moderately urban	0.07	0.26	0	1
Strongly urban	0.12	0.33	0	1
Extremely urban	0.06	0.25	0	1
No municipality registered	0.52	0.50	0	1
Relative size of ethnic community	232.31	2,217	0	178,699
Macro level				
Living standard (GDP PPP per capita)	$4,614	$4,278	$277	$55,762
Unfreedom/political terror	10.85	3.29	0	16
Change in unfreedom/political terror	-0.17	0.94	--5	5
Level of corruption	7.53	0.78	0	10
Policy factors				
Micro level				
Status determination time (in months)	5.15	5.73	0.03	56.88
Meso level				
Native counsellor	0.36	0.48	0	1
International policies				
EU-wide readmission agreement (w/ visa facilitation)	0.42	0.20	0	1
Allure of EU membership	0.04	0.19	0	1
Schengen visa required	0.99	0.09	0	1

For all independent variables, the values pertain to the rejection year. Micro level factors include the migrant's age and family composition, which we use both as proxies for social attachment. The average age was just under 31 years. The square of age divided by 100 was included to account for the curvilinear relationship between age and enforced return outcomes (Leerkes et al., 2017). Family composition in the Netherlands was classified into 'unaccompanied men,' 'couples', 'unaccompanied women', 'accompanied by minors outside of the compulsory schooling age', and 'accompanied by minors in the compulsory schooling age'.

Meso level variables include the degree of urbanisation of the municipality of residence, measured ordinally with five levels using information from Statistics Netherlands[6], ranging from 'not urban' to 'extremely urban'. For about half of the observations, the urbanisation level is unknown because no municipality is registered. These cases were kept in the analysis by adding a dummy 'municipality unknown'. Furthermore, we included the relative size of the ethnic community, which was calculated by dividing the number of first-generation immigrants born in a particular country who have lived in

[6] Data was retrieved on June 16th, 2023, from: https://opendata.cbs.nl/#/CBS/nl/dataset/80397ned/table?ts=1690963781850

the Netherlands for at least two years in year *t* by the number of rejected asylum seekers with the same nationality in year *t*. As the distribution is highly skewed, the natural log was taken to produce a better model fit.

Since all asylum seekers were rejected in the Netherlands, all macro level factors pertain to their countries of citizenship. These include data by year on the level of unfreedom and political terror, the change in unfreedom and terror compared to the previous year, economic living standards, and the level of corruption. Unfreedom and terror were measured by combining data from Freedom House and the Political Terror Index. We measured corruption by using the Corruption Perception Index by Transparency International[7]. Living standard was measured using Gross Domestic Product at Purchasing Power Parity per capita (GDP PPP) using World Bank data. As the distribution of this variable is highly skewed, we used a natural log.

Variables concerning domestic immigration policies in the Netherlands include status determination time, which we consider as a proxy for perceived procedural legitimacy. As previously explained, we expect short and long determination times to indicate a more illegitimate procedure in the eyes of asylum seekers. The square of status determination time divided by 100 was therefore included to account for a curvilinear relationship between status determination time and enforced return. Additionally, we measured whether migrants had access to a native counsellor.

Finally, we included three dummy variables on intergovernmental policies and politics. First, we included a variable indicating the existence of a readmission agreement with visa facilitation between the EU and a migrant's country of citizenship[8]. Six countries had such arrangements during one or more years of observation[9]. The second dummy indicates whether a migrants' country of citizenship had a realistic view of acquiring EU membership. These countries consist of seven Western Balkan countries, supplemented with Turkey, with whom the negotiations for EU membership started in 2005[10]. Lastly, we included a dummy to indicate whether a visa was required to enter the Schengen area[11]. When interpreting the results of these intergovernmental policies and politics, caution is warranted. Selectively developed policies (based on countries' return rates) might cause spurious effects in our analysis, should there still be unobserved heterogeneity in the models (i.e., to the extent that other relevant determinants of enforced return have not been included yet) (Leerkes et al., 2022). For this reason, we decided to not include bilateral return agreements in the analysis. [12]Finally, the year of rejection was included as a control variable[13].

[7] Variable values were missing for 5.445 observations; these were replaced using the average of the known values of the respective country for other years.

[8] We excluded bilateral return agreements as such agreements are predominantly implemented with countries that do not cooperate with enforced return. Therefore, the inclusion of this factor would introduce an endogenous independent variable.

[9] The EU had agreements during the years 2005 – 2010 with the following countries: Albania, Bosnia & Herzegovina, Macedonia FYR, Russia, Serbia, and Ukraine.

[10] We included the following eight countries: Albania, Bosnia & Herzegovina, Croatia, Kosovo, Macedonia FYR, Montenegro, Serbia, and Turkey. Georgia and Moldova were excluded, as they were not official candidates at the time.

[11] The list of countries is retrieved on 01-02-2024 from https://schengeninsuranceinfo.com/schengen-visa/who-needs/

[12] There is some evidence that the the effect of bilateral readmission agreements on the rate of enforced return is somewhat stronger than the effect of EU-wide agreements (cf. Leerkes et al. 2022). However, bilateral readmission agreements will be selectively concluded with countries where certain problems have been experienced in obtaining collaboration on enforced return. Such selectively is less obvious for EU-wide agreements. Ideally, the effects of intergovernmental policies should be estimated using panel data covering a longer time period (e.g., via differences in differences modelling, fixed effects).

[13] While previous research has shown that the threat of forced removal is associated with a somewhat higher likelihood that asylum seekers return via IOM (Leerkes et al., 2017), we excluded this factor to prevent autocorrelation, as the threat of forced removal is highly correlated with the odds of being forcibly removed.

Analytical method

We analysed the dataset using a multilevel (random intercept) multinomial regression model. Level-3 variables pertain to the country of citizenship (e.g., 'China'), level-2 variables pertain to country-years (e.g., 'China 2007', 'Georgia 2009'), and level-1 variables are at the individual or household level. Level-2 data pertains to the country of citizenship and includes the GDP PPP, political unfreedom and terror, and the level of corruption. The three variables related to intergovernmental relations were constant for each year within the period of observation and are, therefore, level-3 variables. As a robustness check, we replaced level-2 and level-3 with the municipality of residence in the Netherlands as a level-2 variable in the full model, which did not lead to substantively different results.

We added all independent variables at once and then calculated relative risk ratios (RRR), which indicate how an increase in the variable by one, net of other variables included, is estimated to affect the likelihood of either AVR or FR compared to the base outcome (no registered enforced return to the country of citizenship in the year of rejection or the subsequent year)[14]. For example, an RRR of 0.5 indicates a 50% decrease in the likelihood of the outcome compared to the base outcome, an RRR of 1.50 indicates a 50% increase and an RRR of 1 implies no effect. Finally, we ran the model with standardised variables to get an indication of the relative importance of the independent variables and performed a Wald test to assess significant differences in coefficients for AVR and FR.

Our study has several limitations. First, the administrative nature of the data entails a lack of key information that might affect enforced return outcomes, like education level, migration history, and initial migration motives (see e.g. Klinthäll, 2007; Pinger, 2010). Second, some of the determinants included in our model, such as social attachments (measured using family composition and age) and the perceived procedural legitimacy of the asylum procedure (measured using the status determination time), could only be operationalised using proxy variables. These measure determinants only indirectly and thus possibly introduce measurement error. Third, the data does not allow us to empirically identify other possible explanations for the overlap we identify in our empirical section below between factors that determine AVR and FR. This overlap, we argue, might be caused by alignment between the actions of migrants and states. For example, this might be the case when poverty in migrants' countries of citizenship creates hesitancy on the part of migrants to cooperate on AVR, while it also impedes cooperation in FR procedures because readmitting countries fear that return could exacerbate domestic problems (Mouthaan, 2019).

Finally, we cautiously hold that our findings on the Dutch case are potentially generalizable to other contexts, especially for liberal states. A key assumption underlying the present analysis – namely that undocumented migrants' agency also influences FR outcomes – is likely to also hold for other liberal states. These cannot simply impose rigorous policy measures to enforce return, as liberal values such as human dignity, adherence to the rule of law and proportionality limit the exercise of outright, coercive sovereign power (Gibney, 2013; Ellermann, 2010). At the same time, previous research identified that different enforcement regimes differ in the way in which they seek to address migrant deportability (Leerkes & van Houte, 2020), which simultaneously makes it is difficult to fully assess how much our outcomes for the Netherlands, as a thick enforcement regime, would apply to other regime types. We can for example speculate that in a country like Germany, which is characterized as a more selective enforcement regime (ibid.) certain policy variables like EU membership candidature can have a stronger relationship with enforcement outcomes – as most efforts to return undocumented migrants are selectively focused on said countries. Further empirical research would

[14] The Variance Inflation Factor (VIF) analysis indicates no multicollinearity (<3.2), except for status decision time, age, and their squared terms, along with a relatively high VIF for the unknown urbanisation level category (4.65).

be necessary to confirm whether this is indeed the case. For the non-policy factors, finally, we hold that the population of rejected asylum seekers is equally diverse across different enforcement regimes in Europe. This, at minimum, means that non-policy factors such as age and family composition matter regardless of country context.

Ethics

Similar to others conducting research on the enforced return of illegalised migrants, we argue that a reflection on ethics is in place (see also Düvell et al., 2010). The data were initially collected for a scientific study on the determinants of enforced return by the Research and Documentation Centre (WODC), which made the data available to the authors. The present analysis was carried out as part of an ongoing Horizon Europe research project, which received ethics approval from the Ethics Review Board of Erasmus University Rotterdam (decision number ETH2324-0063). Since this study is based on individual-level administrative data from the Dutch government and IOM Netherlands, which was enriched with country-level information from NGOs and the World Bank, we could not ask rejected asylum seekers for permission to include their cases in the analysis. However, as the present study rests on large-scale, anonymised data, the privacy of the individuals concerned, including those who did not demonstratively return to their country of citizenship, is not in danger. For these reasons, the WODC also approved the initial project. As a team, we discussed the possibility that (non-academic) actors might capitalise on our results to legitimise certain political narratives and policies, including those that we would not support (see also Baldwin-Edwards et al., 2019). Acknowledging that this is a risk, given the topic's contentious and politicised nature, we hold that it is our role as academic researchers to engage in independent research with ample room for critical thinking, exactly to contribute to evidence-informed policy and more nuanced public debates. This does not remove responsibility on our part to cautiously contextualise the findings of our analyses and explain how, according to us, these should be interpreted. We exactly aim to do this in the sections below.

Results

In the following, we first elaborate on the estimated predictors of AVR. Next, we elaborate on the determinants of FR and how they relate to the determinants of AVR. Subsequently, we go into the effect size of several factors.

As expected, a combination of micro, meso and macro factors predict AVR outcomes (see Table 2). Most non-policy factors, such as, age, family composition, the relative size of the ethnic community, and the country of citizenship's living conditions all co-determine the likelihood of AVR outcomes occurring, corroborating previous research (Leerkes et al., 2017). For example, at the micro-level, the likelihood of rejected asylum seekers returning via IOM is 41% lower among families with school-going children than among accompanied men (RRR=0.59). On the meso-level, we find that the probability of AVR occurring over non-return is 47% (RRR=0.53) lower among rejected asylum seekers living in extremely urban municipalities compared to those living in non-urban municipalities. At the macro-level, our data suggests that only the living standard in one's country of citizenship (RRR=1.40) and changes in political freedom and terror (RRR=0.81) are associated with AVR outcomes. Policy factors similarly co-determine AVR outcomes. The availability of a native counsellor (RRR=2.00), for example, is associated with higher likelihood of AVR. At the macro-level of intergovernmental relations, only

the existence of an EU-wide agreement with visa facilitation increases the likelihood of AVR significantly (RRR=1.69).

TABLE 2. Regression model with dependent variable: Assisted Voluntary Return and Forced Removal (N= 15.680). Reported values are relative-risk ratios (standardised values in parentheses). ˣp < 0.10, *p < 0.05, **p < 0.01

	'Assisted Voluntary Return'		Forced Removal		Wald test (chi^2)
Non-policy factors					
Micro level					
Age	1.08 **	(2.02)	1.05 *	(1.61)	NS.
Age (squared / 100)	0.94 **	(0.63)	0.94 *	(0.64)	NS.
Family composition (ref: Unaccompanied man)					
Couple without children	0.85	(0.98)	0.39 **	(0.87)	S.*
Unaccompanied woman	0.67 **	(0.87)	0.55 **	(0.81)	NS.
With non-school-going children	0.75 *	(0.94)	0.58 **	(0.89)	NS.
With school-going children	0 59 **	(0.88)	0.33 **	(0.77)	S *
Meso level					
Urbanisation (ref: not urban)					
Hardly urban	0.88	(0.95)	0.65 *	(0.86)	NS.
Moderately urban	0.71 *	(0.91)	0.95	(0.99)	NS.
Strongly urban	0.67 **	(0.88)	0.61 *	(0.85)	NS.
Extremely urban	0.53 **	(0.85)	0.63 *	(0.89)	NS.
No municipality registered	2.02 **	(1.42)	2.12 **	(1.46)	NS.
Relative size of ethnic community	0.86 **	(0.77)	1.09 *	(1.15)	S **
Macro level					
Living standard (log GDP PPP per capita)	1.40 **	(1.35)	1.39 **	(1.34)	NS
Unfreedom/political terror	0.96	(0.86)	0.91 **	(0.73)	NS.
Change in unfreedom/political terror	0.81 **	(0.82)	1.13	(1.12)	S **
Level of corruption	1.11	(1.09)	1.41 **	(1.34)	S ˣ
Policy factors					
Micro level					
Status determination time (in months)	1.06 **	(1.43)	0.87 **	(0.44)	S **
Status determination time (squared / 100)	0.77 **	(0.69)	1.21 *	(1.31)	S **
Meso level					
Native counsellor	2.00 **	(1.40)	1.02	(1.01)	S *
Macro level					
EU-wide readmission agreement (w/ visa facilitation)	1.69 ˣ	(1.10)	0.83	(0.96)	S ˣ
Allure of EU membership	1.18	(1.03)	1.90 **	(1.13)	NS.
Schengen visa required	0.63	(0.95)	1.03	(1.00)	NS.
Intercept	0.00 **		0.00 **		
Level 2 variance (country -> year):			1.01		
Level 3 variance (country level)			1.91 **		

Many of the same variables also turn out to co-determine FR outcomes. As far as the non-policy factors are concerned, our data suggests that, compared to an unaccompanied man, the likelihood of FR is 67% lower among a family with school-going children (RRR=0.33). Likewise, the probability of FR decreases with the level of urbanisation of the municipality: residing in a strongly urban municipality is associated with a 39% (RRR=0.61) smaller likelihood of FR compared to residing in a non-urban municipality. Contrary to our expectations, an increase in the relative size of the ethnic community correlates with an *increase* in the likelihood of FR (RRR=1.09), while it has the expected negative effect

on AVR uptake[15]. Interestingly, corruption in migrants' countries of origin has a significant *positive* effect on FR, which is in the opposite direction to what we expected[16].

Especially when it concerns policy factors, we find various differences between the drivers of AVR and FR. For example, status determination time, which has a curvilinear relationship with AVR uptake, is negatively associated with FR (RRR=0.87). The availability of a native counsellor, which is a notable driver AVR (Leerkes et al., 2017), does not show any effect on forced FR. The prospect of EU membership for a migrant's country of citizenship has no effect on AVR but is associated with significantly higher FR outcomes (RRR=1.90). Other policy factors related to intergovernmental relations do not significantly impact FR.

A comparison of the coefficients of AVR and FR using Wald tests confirms that the majority of AVR coefficients (14 out of 22) do *not* significantly differ from those of FR, confirming our first hypothesis. For example, the results provide no evidence that age or living standards in migrants' country of citizenship differ significantly for AVR and FR outcomes. Likewise, an increase in GDP PPP per capita of one unit (natural log scale) is associated with an increase in the likelihood of FR by 39% (RRR=1.39), comparable with the increase in AVR (40%, RRR=1.40)[17]. However, there also are notable differences among the policy variables, especially in the presence of a native counsellor, status determination time, and the prospect of EU membership, and among the 'non-policy' factors related to changes in the level of unfreedom in the country of citizenship. Arguably, the variables more strongly correlated with AVR are more strongly related to migrants' interests and actions (having access to a native counsellor, experiencing a fair status determination time, observing improvements in freedom and terror) while only one variable significantly affecting FR can be argued to primarily relate to the interests of states (prospect of EU Membership), although its impact on AVR does not differ significantly.

While intergovernmental relations in the form of the prospect of EU membership are indeed associated with higher FR outcomes, we also observe that several 'non-policy' factors similarly co-determine these outcomes – and do so even more strongly than the included intergovernmental policy factors. This confirms our second hypothesis that FR outcomes cannot be explained by intergovernmental factors alone. For example, age, family composition, urbanisation level and the living standard in the country of citizenship are all significantly associated with FR outcomes. While the prospect of EU membership, for example, has a standardised coefficient of 1.13, the living standard in the country of citizenship has a standardised coefficient of 1.34. This example reveals that non-policy factors, too, play a key role in understanding FR outcomes.

Before heading to our discussion and conclusion, we want to pose one further caveat about the effect size. The models might suggest that host state governments can increase the likelihood of enforced return to some extent by, for example, reducing the number of (rejected) asylum seekers who are residing in urban areas. However, marginal effects reveal that the observed effect is still limited as overall low levels of enforced return remain. We will illustrate this using a fictive, 'typical' example of a rejected male asylum seeker from Afghanistan, who is 30 years of age, has gone through the asylum procedure with an average status determination time, and resides in an extremely urbanised municipality in the Netherlands without a family. If the Dutch government were to relocate him to a

[15] Possibly, the authorities of the receiving state have, on average, better intergovernmental relations with states with larger diaspora, on which they can capitalise in FR procedures.
[16] Possibly, source-country corruption facilitates FR to some extent by creating additional opportunities for host states to provide 'informal' incentives to the authorities of migrants' countries of citizenship.
[17] An increase of one point on the natural log scale corresponds to an increase from approximately $350 to $1,000 or from approximately $2,000 to $7,500.

non-urban environment, our analysis indicates that the likelihood of him returning 'voluntarily' decreases from 18.3% to 11.1%, while the likelihood of him being forcefully removed increases from 1.9% to solely 2.8%.

Discussion and Conclusion

This study set out to quantitatively assess the determinants of enforced return among rejected asylum seekers receiving return decisions, comparing the determinants of AVR, and FR. Contesting the assumption that AVR solely requires migrants' cooperation and FR the readmitting state authorities' cooperation, we tested which factors explain enforced return and whether the same factors predict patterns of AVR and FR. By implication, we also further sought to explain whether assumed determinants of FR – notably intergovernmental policies and politics – indeed best explain its outcomes, as both policy makers and academic literature often assume.

Our results suggest that both AVR and FR are shaped by non-policy and policy factors, which are each shaped by the interests, beliefs and/or capabilities of the three main actors in enforced return. The effects of most factors included in our analysis (14 out of 22) do not significantly differ for AVR or FR outcomes. The effects of non-policy factors in particular – factors that are not part of countries' migration enforcement regimes – turn out to be relatively insensitive to the administrative type of enforced return in particular (e.g., age, urbanisation, economic prosperity in the country of citizenship). These findings suggest that AVR and FR outcomes are, to a large extent, explained by the same non-policy factors. Among the factors that do differ, those that uniquely determine AVR outcomes are arguably more strongly related to migrants' interests and beliefs and not easily influenced by states, such as family composition, the level of corruption and changes in the political freedom and terror in the country of citizenship. Conversely, determinants uniquely affecting FR outcomes are arguably more related to the interests of the host and readmitting states, such as international relations in the form of the prospect of EU membership. However, factors like the economic and political conditions in the country of citizenship, which are difficult to steer and influence by states and relate closely to decision-making by individuals, are also important predictors of FR outcomes. Our findings, therefore, support the presence of a "spectrum of (in)voluntariness" in enforced return, as suggested by DeBono and colleagues (2015). The results further suggest that FR outcomes cannot be explained by intergovernmental policies and politics alone, as various non-policy factors explain FR as well – in our models, even more so than the policy factors.

Against the backdrop of the rise of the deportation state, the increasing amount of 'return deals' and other efforts to deport undocumented migrants, this study provides unique quantitative evidence of the determinants of enforced return. It suggests that liberal states in the Global North such as the Netherlands, even if they are characterized by a "thick enforcement regime" (Leerkes & van Houte, 2020) have only limited control over enforced return outcomes (see also Czaika & De Haas, 2013). Factors such as social attachments and economic conditions, which are relatively independent of policies of enforced return and difficult for host states to influence, play a significantly stronger role. In addition, the vast majority of rejected asylum seekers in our sample (79%) either migrate onward or stay in the Netherlands, as no 'return' could be recorded for them. For this large group, opportunities to integrate and get access to basic services, let alone to become full members of society, are limited, which marginalises them and poses severe consequences for their psychological well-being. Currently, governments across Europe respond to such situations by seeking ad-hoc

solutions on the local level (Kos et al., 2016). Based on our findings, we however hold that national authorities should similarly not discard this reality and consider policies for non-return equally seriously, such as humanitarian legalization or pathways to alternative legal stay (see Kraler, 2019; Jonitz & Leerkes, 2022).

Despite previously mentioned limitations to this study, it is evident that the often-made distinction between AVR and FR becomes less distinct when we closely examine enforced return outcomes. This study therefore contributes empirical evidence to a body of work that altogether does not only destabilize the purported binary between the two, but also invites us to think about the state's ability to control enforced return differently. Indeed, we have shown that national and intergovernmental policies and politics only represent one among many factors that eventually determine enforced return outcomes. We therefore urge European leaders to follow a more realistic policy approach that acknowledges the limits of liberal states' capacity to control enforced return outcomes. Instead of merely proposing new, exclusionary policy measures, we argue that they need to equally consider the needs, wellbeing and rights of rejected asylum seekers whose return they cannot enforce.

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